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EA-87-02



ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 303

DATE: Thursday, April 11, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

EARR &
ASSOCIATES
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.


Hearing held at the offices of the Ontario
Highway Transport Board, Britannica Building,
151 Bloor Street West, 10th Floor, Toronto,
Ontario, on Thursday, April 11th, 1991,
commencing at 9:00 a.m.

VOLUME 303

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member



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MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DOUG SCOTT,</u> <u>JOYCE NEILL,</u> <u>STAN LESCHUK,</u> <u>BRAD JOHNSON, Sworn</u>	53870
Direct Examination by Mr. Erickson	53871
Cross-Examination by Mr. Cassidy	53935
Cross-Examination by Ms. Seaborn	53950
Cross-Examination by Mr. Freidin	53956

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1794	Brief submitted by Northwest Coalition and responses to interrogatories.	53869

1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 MR. ERICKSON: Good morning, Madam Chair,
5 my name is Erickson, initials J. W., E-r-i-c-k-s-o-n,
6 and we are representing what we have described as the
7 Northwest Coalition which includes the Townships of Ear
8 Falls, Golden, the Northern Ontario Associated Chambers
9 of Commerce and support as well from NOMA which is the
10 Northern Ontario Municipal Association.

11 I might at the outset indicate to you
12 that the original retainer included the Township of Red
13 Lake. They are still supportive of the brief but would
14 be taking an independent position, as I understand it
15 at, the hearings in May which I understand will be
16 conducted in Red Lake, Ontario.

17 I just thought as a matter of procedure I
18 might indicate what I've proposed to do and I will be
19 seeking some directions from the Chair.

20 I propose to swear four individuals in.
21 One of the witnesses, Mr. Scott, will lead the evidence
22 with respect to the brief itself. I can tell you
23 mercifully that he won't read every word, he's going to
24 talk to the major issues.

25 My plan then was to simply invite my

1 colleagues and friends here to cross-examine on any of
2 the issues which Mr. Scott raises or the brief raises
3 in written form. And if that is satisfactory, that is
4 I think the way we would like to do it.

5 Mr. Scott in some respects in
6 cross-examination may wish to defer to one of the other
7 individuals, for example, the Reeve of Ear Falls may
8 have a particular view with respect to small
9 municipalities on some of the issues which are raised
10 in the brief, and I don't know if that raises any
11 problems with my friends.

12 All right, thank you. Perhaps we can
13 start then by, I will formally file the brief itself.

14 MADAM CHAIR: Thank you, Mr. Erickson.

15 MR. ERICKSON: It also has attached to it
16 the responses to the interrogatories. (handed)

17 MADAM CHAIR: Thank you. This material
18 will be Exhibit 1794.

19 Please go ahead.

20 ---EXHIBIT NO. 1794: Brief submitted by Northwest
21 Coalition and responses to
interrogatories.

22 MR. ERICKSON: Perhaps by way of
23 commencing then I could have the witnesses sworn
24 commencing with Mr. Scott.

25 MADAM CHAIR: Good morning, Mr. Scott.

1 MR. SCOTT: Good morning.

2 MADAM CHAIR: We haven't seen you in a
3 long time.

4 MR. SCOTT: No.

5 MADAM CHAIR: Could you approach us,
6 please.

7 MR. ERICKSON: And if you don't mind,
8 Madam Chair, perhaps I could swear the others at the
9 same time. Mrs. Joyce Neill.

10 MADAM CHAIR: Perhaps everyone could come
11 up at the same time.

12 MR. ERICKSON: Perhaps everybody could go
13 up and we'll do it all at once.

14 DOUG SCOTT,
15 JOYCE NEILL,
16 STAN LESCHUK,
BRAD JOHNSON; Sworn

17 MR. ERICKSON: Allow me, Madam Chair and
18 Mr. Martel, by way of introduction to indicate the
19 particular roles each of the witnesses has played in
20 this particular brief.

21 Mr. Scott is a consulting engineer from
22 Thunder Bay with Proctor Redfern, resides in Thunder
23 Bay and in his practice as a consulting engineer
24 practices widely across northern Ontario.

25 Mrs. Neill is from Armstrong, Ontario, is

1 the president of the Northern Ontario Association of
2 Chambers of Commerce and, in addition, in a business
3 way has personal experience with respect to
4 silviculture.

5 Stan Leschuk is the Reeve of Ear Falls,
6 Ontario, has been so for some 17 years.

7 And Brad Johnson is a councillor from the
8 Township of Golden which is in the Red Lake area and
9 has been a councillor for some nine years and is a
10 businessman in that area, as is Mr. Leschuk. Just by
11 way of a brief introduction.

12 DIRECT EXAMINATION BY MR. ERICKSON:

13 Q. I'll commence then by asking Mr.
14 Scott to -- perhaps you can expand, Mr. Scott, on your
15 qualifications and tell us a little bit about your
16 professional experience and then we'll move into the
17 brief itself.

18 MR. SCOTT: A. Yes. Madam Chair, I
19 guess in my role as a consulting engineer I'm a
20 regional manager for Proctor Redfern dealing with
21 northwestern Ontario.

22 In that role we act as town enginners for
23 a number of municipalities and worked as consulting
24 engineers and consultants for probably most of the
25 municipalities and a number of Indian communities in

1 that region.

2 In that work we have been involved with a
3 variety of engineering projects, roads, bridges,
4 community infrastructures, many of which were forest
5 access facilities.

6 Beyond that we've been involved as
7 consultants assisting the region in responding to the
8 various royal commissions that have wandered through
9 the area over the years; the Hart Commission and the
10 Fahlgren Royal Commission, a variety of environmental
11 assessments for a number of projects.

12 We are in the process as a firm of
13 preparing the class environmental assessment for the
14 Ministry of Northern Development and Mines for roads to
15 resources and have provided input to a number of
16 inter-provincial studies dealing with issues in the
17 region.

18 Beyond my professional activities I've
19 been involved with the Chamber of Commerce for I think
20 almost 15 years, I'm a past president of the Thunder
21 Bay Chamber and a past president of the Northwestern
22 Ontario Associated Chambers of Commerce and have been
23 involved dealing with the various issues that affected
24 our region over those years.

25 Q. Mr. Scott, if I could direct your

1 attention to the brief which was filed as an exhibit, I
2 thought it would be useful if you could indicate to
3 Madam Chair and Mr. Martel the way the brief was
4 presented and who participated in its preparation.

5 A. Madam Chair, the class environmental
6 assessment document and the subject matter it deals
7 with cover a wide range of subject areas, very complex,
8 and even the summary document we found quite a
9 challenge.

10 It represented a large number of
11 individual chambers and we face the task of how do we
12 understand what the document says and how do we
13 understand or identify what concerns we might have.

14 We decided the best way to do that would
15 be to assemble a workshop of a wide range of people
16 that are residents of the area and interests from
17 chambers, municipalities, trade unions,
18 environmentalists, forest industries, and we invited
19 the government ministries to send along resource people
20 to help us understand some of what the document
21 conveyed.

22 Quetico Centre, a well-known regional
23 resource near Atikokan, facilitated our workshop that
24 resulted in the preparation of our position which was
25 subsequently translated into this document.

1 We think that it was unique perhaps in
2 that it did involve a wide range of interest groups and
3 we were very pleased that we were able to perform, I
4 wouldn't say a hundred per cent consensus, but a
5 general consensus view on most of the issues that
6 appear in this brief.

7 Q. Perhaps you could be a little more
8 particular, Mr. Scott, about the individuals who
9 participated and their backgrounds.

10 A. We had three representatives from
11 municipalities, municipal councillors, we had a number
12 of people from the chambers throughout the region.

13 Mr. Fred Myron, who then was a senior
14 official for the Lumber and Sawmill Workers Union;
15 Bruce Hyer, who owns a tourist outfitter business and
16 is a recent appointee to the Appeals Board for the
17 Environmental Assessment Board and a highly active
18 person in the environmentalist group -- natural
19 environmentalist group and I guess Environment North
20 and other organizations; and a number of
21 representatives from the major forest companies
22 operating in our area - again, they were there as
23 resource people, we asked them not to participate in
24 the policy setting, but to help us understand the
25 implications to the industry - Wes Green who is a

1 senior official with the Environmental Assessment
2 Branch at the time and another reps from Northern
3 Development and Mines and Natural Resources and the
4 Ministry of the Environment.

5 Q. Perhaps I can ask you then, Mr.
6 Scott, to look to the brief which was filed as an
7 exhibit. And you do have the green document in front
8 of you which we didn't file. You might just indicate
9 what that is?

10 A. Yes. The Quetico Centre who
11 facilitated the workshops and actually prepared the
12 formal report of the proceedings and recorded all our
13 comments that were recorded on newsprint coming out of
14 the various workshop sessions, the full documentation
15 of who was there, what was said on various issues so
16 that it ended up matching up the strategy as to what
17 matters we would bring before this hearing and other
18 matters that we would collect to go directly to
19 government.

20 Q. Fine. Dealing with the brief, Mr.
21 Scott, perhaps you can - as I indicated earlier, we
22 didn't intend that you would read it word for word -
23 but if you could take the broad themes of the brief and
24 I understand you wish to make some comments with
25 respect to them.

1 A. Thank you, Mr. Erickson.

2 Dealing with the undertaking, our major
3 concern with the undertaking is that of government
4 accountability. This process ultimately ends up in the
5 form of a forest management agreement which a licence
6 holder signs with government and which commits the
7 licence holder to certain obligations and performance.
8 It also commits the government to certain operations
9 and performance, most important of which is the funding
10 of certain activities.

11 The forest companies, as we understand
12 it, actually carry out a lot of the planting, the
13 mechanical scarification of sites, the herbicide
14 applications and other tending of the woodlands, and --
15 however, the government pays for those services, the
16 company pays stumpage fees and in return gets funding
17 for these various services as they provide them.

18 However, the contracts demand an absolute
19 commitment from the company; his licence can be
20 revoked, he can be penalized in a number of ways if the
21 company doesn't perform, but the FMA agreements on the
22 other hand don't commit the government to their side of
23 the bargain. The agreements state quite clearly that
24 any funding by government is subject on a year to year
25 basis to the provincial budget.

1 We think that is improper, that the
2 contract should be a binding contract on both parties,
3 that government should commit the funding for the term
4 of the contract, which is usually five years, and that
5 that funding be locked in.

6 To confirm that we think their should be
7 a public audit of performance, people living in the
8 region that are affected by these activities should
9 know to what extent both parties have met the terms of
10 the contract and a public audit statement be provided
11 so that we can judge the performance, that way the
12 government will be politically accountable for its own
13 performance.

14 The importance of committing that
15 funding, by the way, is that in order to respond to
16 these various activities that generate other economic
17 opportunities, the work of planting and tending and so
18 on, it's very difficult for anyone to plan a new
19 enterprise to respond to these opportunities, from year
20 to year the volumes are uncertain. There is -- I
21 suppose it would be not unfair to say there is
22 absolutely no guarantee that any money might be
23 provided next year.

24 Realistically we know that extreme
25 condition probably wouldn't happen, but there is no

1 guarantee as to what level. The investment required to
2 go into seedling production, for example, or major
3 equipment for scarification is substantial, you must
4 have a longer forecast within some degree of
5 reliability.

6 The purpose of the undertaking we felt
7 was too narrowly defined. It is to provide a
8 continuous and predictable supply of wood. Obviously
9 we felt that it should be also an economical supply of
10 wood, and we feel the purpose should be more broadly
11 stated to add the notion that the undertaking, the
12 planning and management of our forests, should provide
13 optimum economic returns, particularly to the
14 communities that are directly adjacent to the harvest
15 areas.

16 It's interesting though that in the land
17 use plans that were produced as part of the evidence at
18 the hearing when you get into the mining sector,
19 mineral resources, the purpose in those documents very
20 clearly states that the resource will be extracted in a
21 way that provides maximum benefit to the local
22 community. That parallel statement is not there for
23 forestry, I'm not certain why the distinction
24 continuation is made, but we feel it should be.

25 The document provides alternatives that

1 we think are really there because the Act requires you
2 have to state something in the way of alternatives, but
3 they are not reasonable alternatives; to not harvest at
4 all is hardly an alternative, to harvest but do nothing
5 for tending or regeneration, neither of them are
6 sensible alternatives.

7 We do think there is another sensitive
8 alternative though and that is to permanently exempt
9 forestry from the Environmental Assessment Act and
10 Instead have, if necessary, more comprehensive
11 regulations that deal with social and economic issues
12 perhaps.

13 We say that for a number of reasons. The
14 Act is flawed, it's a wide spread agreement with that
15 statement; it has not been designed for private sector
16 operations, it's a very, very expensive and adversarial
17 process - this extended hearing being a fine example of
18 that - and from a private sector standpoint the system
19 is unpredictable. If I was to start a new enterprise
20 today I really have no idea of where the thing might
21 end. As soon as a government agency starts telling me
22 or special interest groups start telling me they have
23 concerns, there's an enormous uncertainty, I can't
24 predict where it might end.

25 The rationale -- the logic that's

1 supplied to bumping up to specific environmental
2 assessments is from the limited experience we've had in
3 northern Ontario. The Community Auditorium in Thunder
4 Bay was subject to a specific EA after it had an OMB
5 approval.

6 In our view, and wide spread view of the
7 people in our region, that was an absurd decision. And
8 we've seen other examples of questionable bump-ups more
9 as political response we think than based on common
10 sense and knowledge.

11 But the fact is those people with tender
12 feelings, whether they represent a broad community or a
13 resident community or not effectively use such things
14 as the Environmental Assessment Act as a weapon and in
15 an environment where a lot of our operations are
16 marginal and very time critical this uncertainty and
17 the threaten of the weapon results in decisions that we
18 don't think are necessarily in our best interest. It
19 results in many compromise decisions by government to
20 avoid the issue of the Act.

21 There are many things done these days to
22 avoid confrontation coming through the Act and those
23 decisions are made in the self interest of government
24 sometimes but not necessarily in the public interest.
25 As the most directly affected public, we have great

1 concerns about the trade-offs that are made to avoid
2 process.

3 So we think the public interest would be
4 better served, particularly because forestry is -- let
5 me say it another way. The Environmental Assessment
6 Act works well when everybody understands everything
7 about the undertaking. If it's a bridge, I can
8 visualize the bridge, I know exactly where on the
9 ground it is, I know I can go out and look at every
10 rock if I wish to, I know what's involved in building a
11 bridge, generally the layman does as well, he doesn't
12 need to be an engineer, and I can reasonably have a
13 grasp on what it's all about.

14 Forestry and the massive areas it covers
15 is an entirely different kettle of fish. We live in
16 the area and have done for most of our lives, we don't
17 know the land, this area this process is going to
18 cover, nobody does.

19 MR. MARTEL: Can I ask a question then?

20 MR. SCOTT: Yes, sir.

21 MR. MARTEL: If people as you say, many
22 people, don't understand the process, without this type
23 of process what type of guarantee have you got that
24 what you want to occur, not only achieve economic
25 development but in fact guarantees the supply of fiber,

1 the protection of wildlife, what type of process do you
2 envisage that would do all those other things?

3 MR. SCOTT: We have now and every day we
4 have more regulations and I think that they meet that
5 need. You see, the government policy in the past has,
6 in the issue of something like group homes, government
7 got tired of emotional, adversarial battles over people
8 that don't want a group home next door and every time
9 one was proposed there would be -- the neighbours would
10 arrive en masse at the council meeting and argue about
11 their property values falling and so on.

12 Now, you could run that through an
13 environmental assessment and spend months and thousands
14 and thousands of dollars dealing with the mitigating
15 and all this nonsense - I shouldn't refer to it as
16 nonsense with respect - but the government said, "No.
17 We have to accept some things as a given, we aren't
18 going to allow that kind of a confrontation to occur.
19 A group home is a residential use, we will not
20 entertain any arguments that these people are less
21 human than the rest of us and, therefore, shouldn't
22 live next door to us.

23 I think there are many more items in
24 forestry that must fall in that category, not be
25 subject to this constant test, threat of bump-up and so

1 on. These are given; we will harvest certain areas,
2 that can be covered by regulation. We don't need to
3 have hanging over our head a threat of a bump-up, a
4 threat of these enormous undertakings that really don't
5 involve the public. You don't see many public here, we
6 didn't see many in Thunder Bay. We can't keep track of
7 them.

8 It is a flawed process. I understand
9 improvements are coming, but I will believe that when I
10 see it. I don't think there's any way that you can
11 shrink the process down, but certainly we need a
12 situation where we can reasonably predict what we have
13 to deal with, what rules we have to follow, and they
14 can be as stringent as the public wants them to be,
15 after that let us find ways of dealing with them, but
16 we can't keep coming back to these kinds of processes.
17 With this uncertainty, it will destroy the potential
18 for our development.

19 We don't need an environmental assessment
20 process to look into the best way to regenerate, we
21 need a higher commitment by government to that issue,
22 but I respectfully suggest this process doesn't add to
23 it.

24 Dealing with the section on the alternate
25 methods of carrying out the undertaking. We have no

1 problem with that section as it's stated, but it's a
2 bit of a sham. The Ministry of Natural Resources
3 identifies the types of pesticides that are acceptable
4 and valuable tools in dealing with insect infestation.

5 Some years ago they put forward a public
6 document in our region that said that their policy that
7 they are recommending was to use biological pesticides
8 in the first instance but that they would use chemical
9 pesticides in emergency conditions where the treatment
10 with biological pesticides for a number of years had
11 not been effective and timber stands, if they had one
12 more year of attack would be lost, but then they would
13 only use them in remote areas and, of course, only
14 using chemical applications that were environmentally
15 sound and approved by government.

16 That policy had 85 per cent support in
17 the public open houses that the Ministry held, the
18 policy had a hundred per cent support from the
19 Northwestern Associated Chambers of Commerce, from the
20 forest industries, from the Northwestern Ontario
21 Municipal Association, the Ontario Municipal
22 Association, from the Conservation Authority, from all
23 three political parties including public statements by
24 the NDP and, notwithstanding that, the government said
25 and says today it is the policy of the Minister of

1 Natural Resources, the Ontario Cabinet, that under no
2 circumstances will chemical pesticides be used. That
3 is strictly a political response to the southern
4 Ontario lobbying and we're offended by that.

5 So I don't know how this Board can deal
6 with that matter, but we say the document is a sham.
7 If there's a standing government policy that prohibits
8 the use of chemical pesticides under any circumstance,
9 I think that's ill considered policy but, in any case,
10 it contradicts this document.

11 It's in the area of the mechanics of
12 harvesting that we feel the class environmental
13 assessment is flawed. According to the gentleman from
14 the Environmental Assessment Branch, Mr. Wes Green, was
15 kind enough to spend his weekend with us at Quetico.
16 The Act defines the environment as including social,
17 economic and cultural conditions that influence the
18 life of man or community.

19 And as I understand the process, having
20 worked with it, our task when we are dealing with the
21 environmental statement reports that the first thing
22 that happens I guess when you want to resume an
23 undertaking, you identify a number of options, you
24 identify the positive and negative impacts on the
25 environment from each of the options, the ways in which

1 you can enhance the positive effects and mitigate the
2 negative effects and you reach a net best environmental
3 solution.

4 However, this document doesn't deal
5 with -- it deals only with the natural environment, it
6 covers the natural environment quite thoroughly, we
7 have no quarrel with that, we're supportive of it, but
8 it doesn't deal at all with the social and economic
9 environments and for that reason we believe it's
10 flawed.

11 Specifically when we come to the question
12 of roads. Roads are the major economic engine of
13 northern Ontario. Once a road is open lots of others
14 things can happen, or at least can happen more easily.
15 Mining, exploration companies can get in at minimum
16 cost to explore mineral zones; other people who have
17 inclination to build a power line or a telephone line
18 or open a road to a lake for cottage development find
19 that that major capital cost of the road is already
20 there; the possibility of completing a needed link
21 road.

22 We've had major link roads completed in
23 recent years from Atikokan to I think Dryden and others
24 that have come about as a progressive thing through the
25 construction of primary forest access roads.

1 In those situations the MNR or others
2 were thoughtful enough to keep in mind this wish list
3 of the needed road length and as the area was opened up
4 for forest operations, the primary roads were located
5 in a way that made the final construction of the
6 secondary highway much less expensive, and much less
7 damage to the environment; the right-of-way was already
8 there, the gravel sources were selected, were partially
9 selected and the road bases were there.

10 So in any major road construction we
11 should consider very carefully as to what other
12 opportunities it could enhance, and there's none of
13 that in the document today, and I can tell you that the
14 forest management planning today doesn't consider those
15 subjects whatsoever.

16 I was at a meeting at Red Lake Council
17 two or three months ago and the district manager of
18 forestry - I don't remember what he was - from MNR was
19 presented a plan for a Crown management unit and I
20 didn't hear the bulk of his presentation but the
21 council, one of the engineers for the council invited
22 me to comment since they knew I had involvement with
23 this, and I asked the gentleman in planning his road
24 network - we were all aware that Red Lake was anxious
25 at some point in time to have another road link to

1 Winnipeg, that's public knowledge went on in the
2 region - and I asked, because the Crown management unit
3 lay between Red Lake and Winnipeg whether he had given
4 that any consideration in locating the primary roads in
5 the management unit and he said, no, he hadn't. I
6 said, "There's some lakes in that Crown management
7 unit, have you identified which of them might lend
8 themselves to cottage development?"

9 A road is a necessary component for most
10 people for cottages, however, the cottage owners have
11 to be able to afford to maintain the road in future, so
12 it's very critical, if a road is going to be built in
13 the area, that it be close enough that net cost of
14 future maintenance for cottage access is affordable.
15 No, he hadn't considered that.

16 There were a number of rivers in the area
17 with rapids indicated on the topographic maps and I
18 asked, had he thought of having road access close to
19 some of these waterfalls because they had potential for
20 small Hydro development and the answer again was, no,
21 he hadn't considered any of those factors.

22 I said, "Well, I'm sorry, I think your
23 plan is flawed." Here were three major opportunities,
24 well-known, most of them current provincial policy,
25 certainly encouragement of small Hydro -- if the

1 province ever decides to do anything with the cottage
2 lots that he had prepared, that's a matter of current
3 provincial interest and a road to Winnipeg. You didn't
4 have to be a rocket scientist to at least be aware of
5 those things, and they were not considered and this
6 document doesn't consider them either.

7 And of course to accomplish that we
8 suggest it is common practice when doing environmental
9 statement reports to produce constraint maps where you
10 identify those things that are there today, whether
11 they be natural environment components or tourist
12 lodges or whatever that should be protected from
13 negative impact from the proposal, and we suggest the
14 same attention should be given to the preparation of
15 opportunities maps.

16 The opportunity -- we're dealing here,
17 the whole environmental -- current environmental
18 movement is a way out in right field on a pendulum and
19 I don't think we quarrel with that, we just say it's
20 great to see that kind of attention paid on the natural
21 environment, but let's pay the same attention to the
22 social and economic environment, let's identify
23 opportunities, let's enhance those opportunities where
24 we can.

25 If we enhance them in a number of ways

1 they will eventually become affordable and doable and
2 the region will benefit by that over the long term.

3 Similarly in the harvesting and tending
4 operations, we are asking that the plans that are
5 produced by the proponent identify as much as possible
6 in advance during the planning process those goods and
7 services that -- really it's the way in which they're
8 going to carry out the operation.

9 If there's some lead time -- and some of
10 the forest companies do that on their own initiative,
11 they identify those goods and services that they would
12 be prepared to purchase locally if they are available
13 and, otherwise, which they will import and that is true
14 in the Armstrong area and Mrs. Neill can comment
15 specifically to that.

16 If there's enough lead time and most of
17 the communities now have economic development
18 committees, economic development officers and, of
19 course, private businessmen have a chance to respond to
20 that, they need a little lead time to do that. We
21 don't feel the company should be obligated to do that,
22 but certainly the opportunity should be identified and
23 then I think it's up to private enterprise and other
24 vehicles to respond.

25 We think consideration should be given to

1 opportunities for value added. Sawlogs or wood of
2 sawlog size is usually set aside for the sawmill
3 industry and that sort of thing and, again, with some
4 lead time it may justify the establishment of a sawmill
5 by somebody other than the licence holder in the area.

6 Quite often just the way of access. I
7 know there was an opportunity some years ago of
8 expanding the woodlands area that access could have
9 been provided from Sioux Lookout or from Ear Falls.
10 Neither community was involved in the planning process
11 and the decision was made between MNR and the forest
12 company, and yet we had a situation where Ear Falls had
13 just suffered a loss of its only major employer, the
14 Griffith closed, Sioux Lookout was a relatively healthy
15 community at that time and from a social and economic
16 values system, the desperate need for Ear Falls to
17 provide opportunities for added employment wasn't
18 discussed publicly in any case. I'm sure it was in the
19 minds of some in government to begin with the issue,
20 but those things can be very critical.

21 The forest harvest areas are huge in
22 their size and there is many alternatives to shipment
23 and so on between trucking or rail shipment and the
24 like which may determine that one community versus
25 another gets major employment opportunities or not. I

1 think more of those decisions should be reviewed in a
2 broader respect.

3 Employment through tending and
4 regeneration, as I said, can provide as much employment
5 as the harvest operation. The way in which that's
6 carried out should be considered thoughtfully so that
7 local benefits can be maximized.

8 In the area of public consultation, the
9 document suggests the traditional ways in which the
10 public participation is provided to major studies.

11 In northern Ontario they're a total
12 failure. The MNR -- we give MNR every credit for doing
13 their best, they had workshops and they put
14 advertisements in the newspaper and so on, but the fact
15 is they're just not getting people involved.

16 Now, you can blame the people for that
17 but the purpose is to involve people to make decisions
18 in their interest, and it's the question -- that really
19 is the process.

20 I don't know that anyone yet has found a
21 process that worked. We felt - faced the same problem
22 in trying to put our brief together with a widely
23 scattered constituency and it's hard to talk to one
24 another, never mind meet together to form a decision,
25 but we decided, first of all, we have to educate people

1 so they can provide knowledgeable input rather than
2 emotional input, and to do that we had to get them
3 under one roof; we had to provide resource people and
4 learn about the detail of the matter and identify the
5 concerns and discuss them and arrive at a position.

6 That's an expensive process and I don't
7 know if you can do it on a very broad scale, but it
8 certainly can provide a better end product and better
9 public input than anything else we're going to try. I
10 have attended and I've organized public workshops for
11 major environmental assessments and the public arrives
12 without basic knowledge of the document or of a lot of
13 the technology, obviously we don't expect them to be
14 that knowledgeable, but even at the layman level you
15 can't educate them in a drop-in centre or a show and
16 tell, there's no time, it takes time, it takes hard
17 work by the individuals to get up to speed to any
18 level.

19 We endorse the workshop idea but their
20 philosophy -- their approach to it I guess, and we
21 think within the various licence areas that what might
22 work best is that community forest advisory councils be
23 established. These would be people that represent a
24 broad range of interests, are prepared to spend the
25 time to sit through a number of days of education and

1 discussion so that they can provide meaningful input.

2 I think that that would provide, and the results of the
3 discussions and so on should be public, so they would
4 be accountable to the public but the public would be
5 aware of what issues are being discussed and what
6 opinions are being offered.

7 That is the weakness of the present
8 northern development councils. They were meant to be
9 grassroot representatives from the broad constituency
10 base to advise government on day to day issues that
11 affect northern Ontario, and they are well-intentioned
12 but the rest of us grassroots don't know what those
13 people are -- don't even know what subjects they're
14 discussing and certainly don't know what opinions
15 they're offering. Government is decided that is not --
16 they don't want that in the public forum.

17 We have suggested these advisory councils
18 could be perhaps appointed by the NDCs or be working
19 committees of the NDCs but certainly their discussions
20 and conclusions should be in the public forum.

21 But we see them -- the Minister or
22 Ministry has recently suggested that they will consider
23 something along this line, I think they were referring
24 to the stakeholder committees. As I understand their
25 brief the stakeholders committee will exist and the

1 manager of the planning -- the management plan will
2 visit them from time to time and tell them where things
3 stand at the planning. We don't see that as being
4 appropriate, that makes them a rubber stamp, they're
5 reacting to a finished document. We would like to see
6 these groups actively part of the planning process on
7 the planning team, and the reason for that is to hear
8 the tradeoffs that are being made.

9 And to give you a parallel, when I got
10 this document I asked for a copy of the Ministry
11 comments. Now this document is riddled with revisions.
12 There must be thousands of them over some previously
13 issued edition that wasn't circulated publicly I
14 suppose, but there's thousands of changes to the
15 public. We asked for the comment of the Ministry of
16 Transportation and Ministry of Northern Development.
17 They said that's a lovely document, thank you very
18 much, we agree with it.

19 Now, somewhere over the years it took to
20 produce this thing there were objections and concerns
21 and government reached a compromise that government was
22 comfortable with, and that happens in all planning
23 processes, but if the public is not aware of the
24 compromises, we have no confidence they're being made
25 in our interest. They may be made so as not to

1 embarrass the government or so to not be in conflict
2 with a current government policy statement or to not
3 embarrass an individual, but or all sorts of reasons,
4 but none of which we are party to, and that's our area
5 of concern.

6 We mentioned that perhaps you may wish to
7 consider the possibility of funding for small
8 operators, small loggers, independent loggers who may
9 be in one way or another required to prepare
10 documentation arising out of this Class EA, and that
11 may come from a number of areas, areas of movement we
12 support or some other initiatives.

13 For example, in the Armstrong area there
14 is a community forest licence, if you will, or the
15 community of Armstrong has rights to certain timber
16 within a 50-mile radius of Armstrong. It's a model
17 that's being tried out - Mrs. Neill can speak to that
18 in more detail - and seems to be working. It's a
19 corporation that consists of the local development --
20 community development corporation, the major licence
21 holder and Minister of MNR are part -- they're probably
22 not part of the corporation, but they're closely
23 involved with it and there is certainly rules and
24 regulations that apply to the timber harvest within 50
25 miles of Armstrong.

1 Now, that kind of organization would be
2 hard -- they would not have the resources, financial
3 resources to prepare the environmental statement
4 reports or the background documents that may be
5 required arising from this document, and government has
6 in recent years tended to push its obligations down,
7 the MNR as the proponent of the Class EA and of course
8 the licence holder have to prepare all the
9 documentation.

10 Because the MNR has the responsibility
11 for the management of Crown lands for land use planning
12 and a wide range of issues, they have the
13 responsibility we believe of maintaining a decent
14 inventory of information - and, of course, depending
15 on whose opinion you're asking it may be decent or
16 not - but it may not be enough for the purposes of the
17 environmental statement report.

18 And government resources are strained,
19 the tendency for government is: Well, if we don't know
20 how many species of frogs there are in the area, a
21 forest company, you're going to have to go and find
22 out, that's your job as proponent or at least the
23 licencee. So government is passing more and more of
24 these things on that traditionally have been government
25 responsibility.

1 Large forest companies can perhaps handle
2 that, although even the large ones are under great
3 strain today financially, but small ones certainly
4 couldn't.

5 MADAM CHAIR: Mr. Scott, before we leave
6 the issue of public consultation, we've had a number of
7 proposals put before the Board with respect to how the
8 public would participate in the future approved
9 application of how timber management would be
10 conducted.

11 You've discussed your idea of community
12 forestry advisory councils, you have also mentioned
13 briefly that you thought there should be public
14 participation on the planning team itself and you have
15 distinguished what you're proposing from what you think
16 the MNR stakeholder group might be?

17 MR. SCOTT: Yes.

18 MADAM CHAIR: Just so it's clear in our
19 minds, do you think that the public is able to
20 participate fully in the planning team? We've had
21 discussed at this hearing about how much time is
22 required for the public when a plan is being developed,
23 whether that would be weekly meetings or monthly
24 meetings or meetings at the drop of a hat because an
25 issue has come up and it's got to be dealt with.

1 Obviously there are some people who are highly
2 motivated and would be able to do that; on the other
3 hands, something like the community forestry advisory
4 council or stakeholders committee, if there was some
5 similarity between the two, would probably not have the
6 same demands on their members' times, they can meet on
7 a more regular basis and wouldn't be tied down to the
8 schedule of a planning team.

9 Do you see both those kinds of things
10 happening?

11 MR. SCOTT: I don't think you need both,
12 I think you need something inbetween that, that perhaps
13 the community advisory council exist and that the whole
14 council would sit in on all of the meetings associated
15 with the study. That would be what would work, and how
16 far you allow outsiders to get into middle of the
17 process. I'm sure that, as a person who has to write
18 some of these studies, I find it very difficult to get
19 the thing done if I have someone sitting at my desk
20 every minute challenging every word I was saying, so
21 there has to be some work done and material come in a
22 reasonable fashion.

23 But typically, when there's a number
24 of -- you know, for example, in the MNR there are parks
25 people, there are resource people, there's harvest

1 people, so there's several groups with different
2 interests within the Ministry itself and there is the
3 Ministry of the Environment with its special interest
4 and so on. Now, at the times when those groups come
5 together, major landmarks, to discuss their relative
6 views and to discuss the planning, I think that moment
7 should have involvement with the people in the area so
8 that the discussions that go back and forward, the
9 tradeoff decisions that are made have at least some
10 exposure to the public that is affected by the
11 tradeoffs.

12 So something between the two things we
13 discussed, I think, is appropriate and I think you
14 would find people committed to it. It could be an
15 onerous task, but the plan is only renewed every five
16 years. The initial plan would be the biggest burden
17 and that would be -- the five-year updates would be the
18 other opportunities for economic development. How many
19 more would be identified in a five-year time span, I
20 don't think there would be many. There would be some,
21 some activity would have occurred that might identify a
22 mineral area or something, but essentially the idea is
23 that it came up, there wouldn't be any more than that
24 the annual renewal periods.

25 But the first task, the first major

1 plan - and most of our areas are covered by plans now,
2 so we're not -- they've never been looked at from the
3 point of view of social economic benefits beyond
4 harvesting timber. So there's an initial period of
5 more intense activity but after that I don't think the
6 five-year renewals would be a lot of work.

7 MR. ERICKSON: Q. Excuse me, Madam
8 Chair, I believe Mrs. Neill wanted to add something to
9 that.

10 MS. NEILL: A. Just to add to that Madam
11 Chair. In Armstrong where we have been dealing with
12 these issues in the last couple of years or so there is
13 a designate, a community designate on the five-year
14 timber management planning committee and it could
15 probably work quite simple in the fact that if there's
16 a forestry advisory council that would do the
17 representation and have very broad representation of
18 the interest groups, they could designate someone from
19 their membership to participate on a fuller -- or a
20 basis in developing actual five-year plans, timber
21 management plans.

22 MR. SCOTT: A. I think that MNR's
23 proposal of the stakeholders committee is that they'll
24 put their senior present as one member of the advisory
25 council committee. We say: "No, no, we like it the

1 other way around, thank you. We'll put at least one
2 member of the advisory council committee on the MNR
3 study team."

4 MR. MARTEL: Even as late as last week we
5 heard representations saying you shouldn't allow any
6 individuals -- the American forest system doesn't allow
7 any individuals from any sector on their planning team
8 because once you allow one in everybody else says we
9 want in.

10 I mean, once you allow -- I mean, that's
11 the problem you wrestle with if you allow somebody,
12 let's say from the community in - and that's happened
13 at this hearing - the first thing you know the next
14 party wants in and everyone has a reason why they
15 should be part of the planning team, and who do you
16 exclude and who do you include on the planning team?

17 MR. SCOTT: Well, I think, Mr. Martel, we
18 did suggest that these advisory councils cover a very
19 broad range of interest, as broad as we could imagine.

20 MR. MARTEL: Let me be the devil's
21 advocate for a moment then, because --

22 MR. SCOTT: Let me just complete this
23 thought first, sir. With any of the prior arrangements
24 we had unions, environmentalists, foresters, licence
25 holders, municipal councillors, Chamber of Commerce,

1 loggers, prospectors and so on, and that -- we suggest
2 that the council itself would suggest who might be
3 appropriate, and they might suggest more than one if
4 there is a diversity of interest of an area of dispute,
5 and the membership or participation on the planning
6 team might alter for certain elements of the plan, for
7 certain periods of the planning process, but the thrust
8 of it all is it should be representative of the local
9 area.

10 And this is probably the broadest issue
11 of our concern, that there is a perceived view by the
12 people in northern Ontario - whether it's valid or not
13 I guess you might argue about it - but certainly a
14 perception that our life and our opportunities are
15 being dictated by southern Ontario high pressure lobby
16 groups, southern Ontario politicians. We object to
17 that, we think that this is a matter of local area
18 planning that should be -- the substantial input should
19 be provided by the local people who have to live with
20 this thing for an eternity. We don't keep -- if we
21 can't regenerate the forests in our area in a
22 reasonable fashion at some point in time we won't have
23 our communities.

24 The forest industry is by far the most
25 significant economic generator in northern Ontario and

1 despite negotiations that tourism is going to be quite
2 important there is no way that tourism is going to
3 provide the opportunities for the highly qualified
4 technical jobs that that industry provides, so the
5 security of that industry is essential to our
6 livelihood in northern Ontario.

7 We think there's a role for these
8 powerful lobby groups to play in broad provincial
9 policies and class environmental assessments and this
10 is where they belong. At a regional level, groups like
11 ourselves would be interested in policies that affect
12 us in northern Ontario.

13 Within the Town of Sioux Lookout - and
14 from our interest group, I guess, Sioux Lookout Chamber
15 of Commerce - it shouldn't be burdened with the opinion
16 of the Northwestern Ontario Chambers for something that
17 is of particular interest for Sioux Lookout.

18 There are people with special interests
19 in the natural environment in Sioux Lookout. The
20 interest level of northern residents in protecting the
21 environment is, if anything, superior to that in
22 southern Ontario because more of us are more familiar
23 with the natural environment that we are talking about
24 here, it's our backyard.

25 It's no more appropriate for high

1 pressure groups from this area which has the financial
2 resources to totally overwhelm us to come up and tell
3 us how to live our life than it would be if we happened
4 to have the financial resources to come down and
5 intervene in Toronto's attempt to get the Olympics or
6 the SkyDome. It's Toronto's business, let them deal
7 with it; let us deal with our interests. Financially
8 we can't.

9 MR. MARTEL: You should have intervened
10 in this one.

11 MR. SCOTT: Your rules -- your very rules
12 prevent us.

13 MR. MARTEL: I'm not sure you shouldn't
14 have intervened in the SkyDome. I'm not saying a mass
15 reb, but could I come back to the committees.

16 MR. SCOTT: Sorry, I strayed a bit there,
17 Mr. Martel.

18 MR. MARTEL: Well, I understand your
19 frustration, but coming back to the committees, because
20 I think on one hand I asked you about who would be on
21 it; on the other hand, if you make it too big MNR will
22 object. I mean MNR wants a planning team - Mr. Freidin
23 is here he'll correct me if I'm wrong, I'm sure - they
24 want a planning team and people get involved, the
25 process is well under way, but they don't want people

1 from the outside on the planning team per se.

2 Occasionally you might get one from industry, but
3 you've got two opinions.

4 And you want to come down the middle
5 somewhere and I'm not sure whether you're going to be
6 fish or fowl, because if you're just going on -- and
7 I'm looking over what they should do, make
8 recommendations, provide organized public input,
9 facilitate better communication, nowhere do you say be
10 involved in decision-making. So that in fact you're
11 neither fish nor fowl and I'm not sure which position
12 you want to fall into.

13 MR. SCOTT: Well, I don't think it's
14 appropriate, that's a personal view.

15 MR. MARTEL: I'm just trying to get --

16 MR. SCOTT: But our brief says the same.
17 I don't think it's appropriate that they have
18 authority, but they should have an opportunity to be
19 fully knowledgeable of decisions that are being made,
20 the reasons for them, so that they can provide to the
21 public their opinion, it may be a dissented opinion,
22 but it will be a knowledgeable dissenting opinion.

23 MR. MARTEL: But at that point when you
24 can voice your objection, what do you do then if it
25 doesn't meet with what you really want. I mean, I've

1 heard you talk about interest groups interfering and so
2 on, but this is why the interest groups have developed
3 and have raised objections because they felt some of
4 their concerns weren't being adequately addressed.

5 Where do you -- how do you fit your
6 process in where the things that you really insist upon
7 as a community let's say. Let's say Armstrong needed a
8 certain type of cut in a certain area, and how do you
9 see yourself fitting into something that was really
10 fundamental?

11 MR. SCOTT: Well, within the structure we
12 have we suggest that we have a better chance of knowing
13 the tradeoffs that are being made and the opportunities
14 we're about to lose, as opposed to today when we don't
15 know, we just don't know what tradeoffs are made.

16 Now, for example, not a very well-known
17 government policy, that is frustrating many initiatives
18 is the fact that the Province of Ontario will not
19 subsidize any road that goes into Manitoba or any air
20 service that goes into Manitoba or to the United
21 States, they won't do anything that goes to another
22 jurisdiction or to Quebec I believe.

23 In northernwest Ontario I'm familiar with
24 the policies affecting the Red Lake would like to get a
25 road to Manitoba. The Government of Ontario will not

1 finance a road that's going to open another access to
2 Winnipeg. For whatever reason, they won't. Now, that
3 policy prevails when government considers a whole bunch
4 of others things, like forest access roads.

5 So when -- at some point in time in these
6 planning teams somebody is going to have to say: I'm
7 sorry, we will not use that as a planning criteria
8 because it's contrary to the province's policy that
9 prohibits encouraging new roads into Manitoba. At that
10 point the community can stand up on its back legs and
11 begin to use its political influence through its
12 elected people and so on, but first of all the people
13 have to know that that's what's happening.

14 We've suggested this way is to provide a
15 little broader view of the decisions than we have
16 today. We don't think the stakeholders approach where
17 the finished product is brought to you without all of
18 the considerations, as this document has come to us, is
19 sufficient. And there may be other ways of doing it,
20 but the one we propose with MNR is not acceptable.

21 MR. MARTEL: Well, the one that industry
22 has proposed -- I don't know if you've seen it.

23 MR. SCOTT: Yes, NOACC has submitted --
24 this is as far as policy making, the three levels --

25 MR. MARTEL: Well, no, not in -- their

1 stakeholder committee is involved -- I mean, it's their
2 hope in the plan that they've put forward, their
3 planning - and again Mr. Cassidy is here if I stray -
4 but I think theirs is to involve the public from almost
5 square one in any issue.

6 MR. SCOTT: Well, that's acceptable to
7 industry who have to do all the work on the plan, but
8 the government doesn't do any work at all, the industry
9 does it. If they find that acceptable as the ones that
10 have to produce the plan, and we find it acceptable as
11 the ones that have to live with the plan, why can't the
12 government and these busy bodies in the middle buy it
13 too, what's their problem.

14 MADAM CHAIR: Well, I guess Mr. Martel's
15 point is: Do you accept the recommendation of the
16 forest industry as represented at this hearing that in
17 fact there be a stakeholders group, that the
18 stakeholders group begin participating in the planning
19 stage before there's a draft timber management plan
20 before any decisions are made at all?

21 MR. SCOTT: Mm-hmm. That's the way we're
22 expressing. Do you know that the forest industry has
23 rarely any difficulty in coming to agreement with
24 individuals when they meet one to one; they have
25 enormous difficulty coming to agreement with, for

1 example, a Bruce Hyer.

2 Now, Bruce Hyer as he said to me
3 personally is of the personal view that the whole
4 concept of the paper mill is unacceptable, they are
5 just too intrusive on the environment and there should
6 never be a paper mill anywhere any time. That's his
7 personal view.

8 Now, even for a person from that extreme
9 view - Bruce is also very knowledgeable and a very
10 reasonable person - we had no problem with Bruce at
11 this workshop, he was followed like I don't know what
12 by -- in any workshop he went into the industry reps
13 followed him at very close distance, and even they were
14 surprised that the weekend past we reached our
15 discussions and I think only on one occasion did Bruce
16 come back with a minority report that his group found
17 it quite acceptable, his group's view of the plan.

18 So when the industry meets on one to one
19 with the local tourist operators and so on and
20 municipalities the workable solutions are derived,
21 they've done that for years, it's just government
22 process gets in the way of that sometimes because we
23 end up in sessions like this where we've got lawyers
24 and people like yourselves and that really hurts
25 communication.

1 Like I wasn't all that familiar with this
2 type of process. I wanted to talk to the OFIA about
3 our brief as well of course the hearings and lawyers
4 and things like that, we can't do that, it might
5 jeopardize our position. But it does get in the way of
6 communication.

7 MR. ERICKSON: Just one additional point.
8 I believe Reeve Leschuk would like to comment on the
9 decision-making process from a small community
10 perspective, Madam Chair.

11 MR. LESCHUK: Yes. Madam Chair, Mr.
12 Martel, just a brief comment. In our situation in Ear
13 Falls we are surrounded by three FMAs, one for Boise
14 Cascade to the west -- to the east of us and to the
15 north is Great Lakes Forest Products, and to the east
16 and to the south is the Lac Seul Forest, and I think
17 there is a role for the third level of government, that
18 being the municipal council, that can play an effective
19 role in the process and decision-making of the
20 five-year FMAs.

21 We are the people that are on the front
22 lines, we are the people that have to mostly carry out
23 government policy to the citizens. We can put citizens
24 groups and have a member of the elected council that's
25 responsible to report back to the citizens group on any

1 of these issues, and we've had many of them, we've had
2 the fishing issues of all types and sorts, and most of
3 our communities today we all have an economic
4 development officer who are employees of the town and
5 responsible to council that could partake in these
6 time-consuming meetings and process that can keep each
7 community abreast of what is happening so that when
8 something does come down the line that the councils can
9 approve on behalf of the committee and the councils are
10 responsible to the citizens that they represent.

11 And I don't think we have to look at some
12 very complex committee or mechanism because we all know
13 how cumbersome when you get a large, large group trying
14 to work with two other groups. So we're a third level
15 of government and we're the government that are up
16 right in the field, and I think we have a role to play
17 and it's just my point of view.

18 MADAM CHAIR: Are you suggesting that on
19 the timber management planning team that the
20 municipalities economic development officer would be a
21 member of that team?

22 MR. LESCHUK: Those areas, Madam Chair,
23 yes, could very well be. In our area where we have an
24 economic development officer in Ear Falls, we have one
25 in Red Lake, and hopefully very shortly we will have

1 one in Golden, that encompasses the whole territory,
2 and that would work in my view very, very easily
3 because those people are employees of the township and
4 we as council have to make sure that the public input
5 from the people that we represent have the full
6 knowledge of what's going on and we accept that
7 responsibility for what has to go into a plan.

8 MADAM CHAIR: So do you think the
9 municipalities would be satisfied if their economic
10 development officer was an active member of the
11 advisory group or was separately sitting on a planning
12 team?

13 MR. LESCHUK: I think I would, in my own
14 personal view, want our EDOs to be sitting in on the
15 planning team.

16 MR. SCOTT: Mrs. Neill.

17 MRS. NEILL: Madam Chair and Mr. Martel,
18 the utilization of the EDO for a representative on the
19 timber management planning committee could be very
20 effective. Generally speaking they're very
21 representative of what is -- knowledgeable about what
22 is going on in the area, and because the company does
23 the bulk of the actual labour in developing the timber
24 management plan and of course there's the MNR
25 involvement for the fisheries and the moose habitat, et

1 cetera, then the advisory board, community advisory
2 board would be consulted in the same manner that the
3 MNR is when preparing the plans. They come together at
4 different points during the preparation to review what
5 is in place and approve what's in place at that point.

6 And I think to help answer your question,
7 Mr. Martel, to some degree that's what would happen,
8 versus just meeting with the Ministry staff and their
9 various interest levels from the different areas of
10 protectiveness; they would also meet with the advisory
11 group which would cover off the other social and
12 economic values that have to be realized.

13 The other thing that this would enhance
14 and hopefully avoid a great deal of is the adversarial
15 positioning that different interest groups have been
16 taking traditionally in the last few years within
17 forest management.

18 Within a certain area - and Mr. Scott
19 mentioned it - when you sit people down around a table
20 they will soon come to some agreement, it's when
21 there's not an opportunity for them to do that that
22 they take opposing views and polarize and then they use
23 media and politics to emphasize their positions, and I
24 think that's one of the big roles that the community
25 advisory boards will have to take, is to avoid that.

1 MADAM CHAIR: Thank you.

2 MR. ERICKSON: Back to you, Mr. Scott.

3 MADAM CHAIR: Excuse me, Mr. Erickson.

4 MR. ERICKSON: Certainly.

5 MADAM CHAIR: Was it your intention now
6 to move on to another topic, Mr. Scott?

7 MR. SCOTT: I just have the last comment
8 on the --

9 MADAM CHAIR: All right. I think the
10 Board -- it would be very helpful for us, and we don't
11 want to add to the already large burden that your group
12 has had with respect to participating, but it would be
13 very helpful to us if we could have some better idea of
14 where your proposal for an advisory group differs with
15 the Industry's proposal for their citizens group.

16 Now, it may not be possible for you to
17 address that today, but I have one suggestion and; that
18 is, Mr. Cassidy and Mr. Pascoe could provide you at the
19 end of your testimony a very few number of pages of
20 paper on which the OFIA describes what it would like to
21 see with respect to a citizens group and you could
22 perhaps write a letter to the Board following the
23 hearing and that will clarify for us where your
24 disagreement is with the OFIA proposal, because they
25 sound right now to be pretty similar.

1 MR. MARTEL: Yes. The reason I raise it,
2 you see, because I'm not quite sure and even after just
3 hearing your last speaker, you want a bit of advisory,
4 you want a bit of decision-making.

5 You see, coming from the north I
6 understand your dilemmas having faced them for a couple
7 of years, and it seems you want to be part of the
8 decision-making but the decision-making in a forest
9 management plan is not quite -- if I understand the
10 process, I'm not sure it's going to lead to the type of
11 decisions you want which are economic decisions on the
12 future and how it integrates into the whole of your
13 community.

14 This is a planning process and how you go
15 out and chop the trees down and how you throw a little
16 herbicide around maybe and how you put a few trees back
17 in the ground.

18 And I understand what you're looking for,
19 I mean, I understand it only too well how you want a
20 say so that the north gets a better return on what's
21 coming out of the north, and I'm not sure that the two
22 positions are compatible in the sense that the
23 decision-making of the planning team, I don't see built
24 in it very much that leads to economic decisions that
25 would better the future of the north.

1 I'm not sure if I'm making myself as
2 clear as I should, and that's the expectation of
3 northerners, you're quite right. I mean, northerners
4 expect if they have -- I think if I understand what
5 they're saying to us, and Mrs. Koven I have heard them
6 in every little community in Hearst and in Timmins and
7 in Sault Ste. Marie we've heard people saying, butt
8 out, don't interfere in decision-making that affect
9 northern Ontario, but I'm not sure the planning team
10 and the approval of a planning process is going to make
11 much difference economically in the overall economic
12 development of your area.

13 I think -- I'm not too sure, and I don't
14 know if my colleague agrees with me, but I'm not sure
15 the two compatible.

16 MR. SCOTT: I can assure you, Mr. Martel,
17 it will for the simple matter, as happens today, today
18 what happens is as soon as you identify a sore thumb,
19 people block your proposal, you try to find a way to
20 get rid of that sore thumb, what is his real concern,
21 can we help him, maybe our project will actually make
22 things better for him. So you deal with the sore
23 thumb.

24 But what isn't being put in the process
25 today is the silent majority that only want a decent

1 lifestyle. We're not against any -- we hope within
2 this massive government that we support that the right
3 thing is being done and it's the best and most of us
4 believe it is, despite bureaucracy, the intention is to
5 do things in an environmentally sound fashion.

6 So we're not sore thumbs, and our
7 interests aren't being involved. This is the way to
8 get that silent majority involved in the planning
9 process, we're going to drag the horse to water and
10 we're going to make him drink, we're going to force him
11 to be educated and participate, and to the extent that
12 that is successful there would be that side of the
13 coin.

14 But, you know, when the parks policy was
15 debated some years ago - it's been thrown away by the
16 last government - but we couldn't -- we weren't
17 allowed to talk to harvest people from the MNR, they
18 kept throwing parks people at us at meetings. We said
19 we don't want to talk to your parks people, we want to
20 talk about the implications on harvest and we want
21 information from the MNR that addressed this side of
22 the question. We know what the parks people are going
23 to say to us, we don't need to hear that any more. We
24 were not allowed to meet with the harvest side of MNR.

25 That's the way the system works today.

1 So we have to have a way to break into the internals of
2 these groups that have multi-heads so that we
3 understand clearly their various positions. The
4 government doesn't like to do that, they don't like one
5 ministry to be seen in conflict with another ministry,
6 and I'm afraid they have to.

7 The mandate of the MNR is this and the
8 mandate of MTO is something else, it's reasonable for
9 them to have different views, and it's reasonable for
10 the public to be aware of those different views and to
11 form some judgment as to a balance where it should
12 happen so that the public affected can offer an
13 opinion.

14 Right now it doesn't happen, government
15 in closet forms its consensus view and we live with it,
16 and that's what will happen with the stakeholders
17 approach, the guy will come out with the comfortable
18 position of government and reading the party line and
19 that's going to be all we're going to hear. We don't
20 think that's sufficient.

21 MR. ERICKSON: Perhaps I could - and I'm
22 not trying to discourage questions - but certainly as
23 an undertaking we would take the submissions of
24 Industry, the stakeholders committee from the MNR, and
25 do a little more in-depth analysis of where we differ

1 or agree, and we could file that as a separate
2 submission in written form. Would that be acceptable?

3 MADAM CHAIR: Yes.

4 MR. MARTEL: And we are going to be in
5 Thunder Bay anyway later on in this hearing.

6 MR. ERICKSON: Sure.

7 MADAM CHAIR: That would be helpful but I
8 would hesitate in the sense of wanting you to be
9 directed to exactly where that discussion is in the
10 terms and conditions of the parties.

11 MR. CASSIDY: Well, I have a suggestion
12 about that, Madam Chair, and that is that what I can do
13 is not -- I can undertake to provide NOACC, Mr.
14 Erickson with the reference in the OFIA Terms and
15 conditions to the advisory committees and, in addition,
16 given that there are now about 56,000 pages of
17 transcript, I can do a transcript search and provide
18 him with the evidence that OFIA led in regard to that
19 as well, and I will provide him with those transcript
20 references, and assuming that it's not lengthy, I'll
21 provide him with copies of that as well.

22 And what I might suggest is that upon my
23 providing that to Mr. Erickson he could then use that
24 as a basis for comment on those proposals from the
25 Industry, provide us with an answer in written form as

1 an answer to an undertaking and then I would like,
2 however, to reserve my rights to cross-examine Mr.
3 Scott on that answer subject to seeing it.

4 And what I would propose is that we are
5 going to be in Thunder Bay, as Mr. Martel indicated, in
6 August I believe. I would propose to cross-examine him
7 there, subject to obviously seeing it on his response.

8 So I propose to do that, if that's
9 agreeable to Mr. Erickson son, and Mr. Scott.

10 MR. ERICKSON: We wouldn't have any
11 objection to providing Mr. Scott for cross-examination.

12 MR. FREIDIN: Can we do that at George's
13 Restaurant.

14 MR. ERICKSON: That's right.

15 MADAM CHAIR: Thank you.

16 MR. SCOTT: Madam Chair, if we can get
17 that material quickly, because as a group we have
18 difficulty in providing you with a consensus view, but
19 we do have our spring meeting come up the 26th and 27th
20 of April.

21 MR. ERICKSON: The end of April.

22 MR. CASSIDY: Well, you'd have it by that
23 period.

24 MR. SCOTT: So if I had it, we could get
25 something out to our member chambers.

1 MR. MARTEL: Mr. Freidin wants to --

2 MADAM CHAIR: Mr. Freidin?

3 MR. FREIDIN: Madam Chair, I would ask
4 Mr. Erickson to follow up on his suggestion to also
5 have the association look at the Ministry's terms and
6 conditions on the stakeholders committee.

7 I know you've already looked at them
8 again, but perhaps as a result of some of the
9 conversations that have gone on between the Board
10 particularly and the panel, they may be able to provide
11 some more information.

12 As you appreciate, we haven't led any
13 evidence on those because they were developed after our
14 evidence, and they are to a large extent the result of
15 a process similar to what you went through, our first
16 negotiation session, not a hundred per cent agreement
17 on them, but I would suggest there is a lot of
18 agreement on the subject matter of that particular
19 matter.

20 So I will give you that and make sure you
21 have got the sections, John.

22 MR. ERICKSON: We don't have a problem
23 with that.

24 MADAM CHAIR: Thank you. And I think Mr.
25 Cassidy and Mr. Freidin have committed to make this a

1 very succinct amount of material. And again, it's
2 helpful for the Board to know where you stand rather
3 than having us guess. You know, if you have a third
4 position that is very different from the Industry or
5 the Ministry, that is fine, but we just want to see
6 where you differ.

7 MR. SCOTT: Reeve Leschuk, you wanted to
8 comment?

9 MR. LESCHUK: Yes. Madam Chair and Mr.
10 Martel, just one last little remark. Just I know that
11 the document that is being presented and talked here
12 today is a little bit, probably a year old or so, and I
13 understand, I read a document or a statement from the
14 Minister that said that he'll be looking at community
15 forest models to enhance the involvement in forestry
16 planning management and development, and I think that
17 recent statement by the Minister is basically saying
18 what we're trying to say here today about the process
19 and --

20 MR. MARTEL: Geraldton wants one. Or
21 have they not made--

22 MRS. NEILL: Yes.

23 MR. MARTEL: --a number of submissions
24 over the last three or four years for such a community
25 based -- I think we heard that when we were there.

1 MADAM CHAIR: Well, we've heard some
2 evidence. We don't have -- we haven't heard evidence,
3 we haven't heard an explanation of Mr. Wildman's
4 suggestions, we've received a few lines and perhaps it
5 was the same information that you read--

6 MR. LESCHUK: Yes.

7 MADAM CHAIR: --in the form of a press
8 release or whatever that the government would like to
9 move in that direction. We don't have any details on
10 how that would be done, but you're suggesting that this
11 is new information that should be considered.

12 MR. LESCHUK: Yes, because our brief has
13 been done about a year ago and this is just coming out
14 and I've very excited to hear the Minister talking
15 about something that we've been really promoting over
16 the years and -- off the record, our community will --

17 MR. ERICKSON: No.

18 MR. MARTEL: You can't go off the record
19 here.

20 MR. LESCHUK: We have been working on a
21 community forest proposal and will be submitting it to
22 the Minister probably in the next week.

23 We've been doing a lot of study from
24 British Columbia and right across Canada and looking at
25 the Armstrong model that they have going in trying to

1 see what would suit best our type of a region, so...

2 MR. MARTEL: Well, is that similar to
3 Geraldton, what Geraldton is after?

4 MR. LESCHUK: No. Well, it probably will
5 be, Mr. Martel, but Geraldton to my knowledge have
6 nothing formally presented to the government yet and we
7 will have a very complex one presented to the Minister
8 within a week.

9 MR. MARTEL: No. They were looking for
10 funding - if I recall when we were there - they were
11 looking for funding for a feasibility study, I think,
12 to develop --

13 MRS. NEILL: They completed their
14 feasibility study.

15 MR. MARTEL: They finished that.

16 MRS. NEILL: Yes.

17 MADAM CHAIR: Mr. Leschuk, now that
18 you've brought up this subject, is there anything in
19 your proposal now that you haven't discussed with us
20 today. You've talked about the role of an EDO in the
21 timber management planning process and your support for
22 some sort of public advisory group.

23 MR. LESCHUK: I think I'm quite satisfied
24 with the discussion that we've had so far, Madam Chair,
25 towards reaching those type of goals.

1 MADAM CHAIR: Okay.

2 MR. ERICKSON: Q. Perhaps if we can go
3 back to Mr. Scott, are you now to your bump-up
4 provisions and the concerns with respect to that.
5 Maybe you could deal with that.

6 MR. SCOTT: A. I guess the reason for
7 putting this in is the concern that the Environmental
8 Assessment Act is frequently used as a weapon. We've
9 seen -- experienced that with the building of the
10 Thunder Bay Community Auditorium some -- we experienced
11 that in Thunder Bay some years ago when the city was
12 proposing to build the Thunder Bay Community
13 Auditorium. That building was subject to an Ontario
14 Municipal Board hearing and then subjected to an
15 Environmental Assessment board hearing.

16 I think the first day of the hearing was
17 totally occupied with people outraged to go through
18 this nonsense. The provincial elected members stood up
19 and chastised the Board at the time and the Board of
20 course answered that it wasn't their business, they
21 were just doing their jobs, and suggested that smacking
22 people that were Nazis. So that was the kinds of
23 statements. So as part of the process they had to hear
24 the criticisms, but the Mayor, the Chamber, the elected
25 members, the president of the university, individual

1 after individual got up and chastised the Board for
2 having subjected this project to an environmental
3 assessment and the fact is those things do happen.

4 Q. I think it might be more correct to
5 say that it was designated by the Minister and then the
6 board was obligated to hold a hearing?

7 A. Whoever designated it, we didn't like
8 it. And we've seen that happen in a small hydraulic
9 development in Thunder Bay where the private
10 entrepreneur responded to a government program, he has
11 been subjected to a specific EA.

12 The Act really doesn't reasonably
13 accommodate private sector proposals and specifically
14 the Act does not permit you to discard proposals that
15 are economically unsound.

16 The blue hat review of this other
17 assessment that we're responsible for writing, the
18 report, noted that we had not done a full environmental
19 analysis of an option that had a net return of minus 10
20 per cent and some civil servant - and I guess properly
21 and in accordance with the wording of the Act - said
22 that he wasn't entitled to discard an option that was
23 going to lose money, that he should go through the full
24 environmental analysis of option B or C or whatever it
25 was, even though it was lost money on investment.

1 That's the way the Act is applied today.
2 The scoping orders, as I understand it, really have no
3 legal basis. That's being challenged and if somebody
4 challenges a scoping order, I guess we've got to look
5 for hydraulic sites anywhere in the universe, or at
6 least in the province. So the Act is flawed and it is
7 used as a weapon by people that have strong interest in
8 blocking anything, and there are a number of those
9 people and your hearing is one of these hearings, I'm
10 sure.

11 So that's our concern. We think the
12 individuals that object should show that they have the
13 support of a significant element of their community,
14 I'm talking local community now, the area most directly
15 affected, and I think you can look to the model of
16 municipal planning where the public within 400 feet of
17 a zoning change are directly contacted and are given
18 significant inputs in the decision-making process. 400
19 feet is a little small for northern Ontario, but we fly
20 400 miles.

21 MADAM CHAIR: So your concern on the
22 latter two examples was not the bump-up provisions so
23 much as the designation. Your first concern is the
24 designation of the projects or --

25 MR. SCOTT: Well, Those were both sort of

1 bumped up, they could have been exempt quite easily,
2 but it just shows the ease by which our governments
3 will bump-up. It doesn't take much.

4 Now, the Municipal Board, in certain
5 situation in Thunder Bay, there were who objections
6 within the 30-day period, whatever it is. Somebody
7 wrote, a local twit, that objected to not having a
8 hearing. Even though there were no objections, he
9 said, this smacks of Nazism, we're entitled to a
10 hearing, and the Board granted a hearing.

11 Now, that is what's happening in our
12 system. So you can understand why the public is a
13 little concerned about the model here which is -- might
14 get bumped up. It doesn't take much push to bump it
15 up.

16 MADAM CHAIR: So your concern is in the
17 future with timber management planning that individual
18 projects will be delayed.

19 MR. SCOTT: We think they have to be
20 more -- that someone that has a major concern should
21 have to demonstrate reasonable facts that there is a
22 valid concern, and he should also demonstrate, or they
23 should also demonstrate that there's a significant
24 element of their community that agree with that
25 position.

1 Right now it seems that it's more
2 convenient for tribunals to say: Well, let's have the
3 hearing, it's less hassle than offending this person
4 who wants the hearing. We'll just have the hearing.
5 And that I'm afraid is our perception that too often
6 that's the case.

7 If you have the community forestry
8 advisory council, I think that these kinds of
9 objections or requests for bump-ups can be thoughtfully
10 considered by the community advisory council which
11 would be a broad base, knowledgeable group, hopefully
12 be educated in the process and that their opinion might
13 be of great value to the Board and the Minister to
14 judge whether or not bump-up is warranted.

15 MR. MARTEL: What would you do then --
16 for example, you want community support, what do you do
17 when it's a tourist outfitter or a group on a lake 30
18 miles from a community?

19 The bump-ups we have seen or the requests
20 for bump-ups that we have seen, we have seen 8 to 10 of
21 them that went before the Minister, the majority -- I
22 can't recall any of them being directly in a community
23 per se or even -- some of them weren't even remotely
24 close to a community, might involve a cottage
25 development, it might involve a tourist operator.

1 MR. SCOTT: When I referred to community,
2 I don't mean the municipality.

3 MR. MARTEL: All right.

4 MR. SCOTT: Well, within a very small
5 radius, but the community affected by the harvesting or
6 whatever population that is directly involved with the
7 employment in the area and so on, so the tourist
8 operators, the Indian bands, First Nations, and just
9 general residents from within a reasonable radius of
10 the licence is what we mean, we're not talking about
11 municipalities.

12 So if a forest operator had a problem, he
13 wasn't satisfied with what the licence holder was
14 proposing to do to the point that he thought it should
15 be bumped up he could come to this -- at least the
16 question could be considered by the community advisory
17 council and perhaps through some -- their dialogue,
18 they would all be local people, a reasonable solution
19 might be found that would satisfy the operator, it
20 could be the almost a mediation device, but not
21 approval, but they could facilitate.

22 I think if that broadly based council
23 were to be in existence and could offer advice to the
24 Minister on the appropriateness of bump-up for whatever
25 the complaint were it might help.

1 MADAM CHAIR: Mr. Scott, have you read
2 the suggestions in the MNR's terms and conditions about
3 speeding up the bump-up process; in other words, trying
4 to -- if there is a bump-up request, that it be dealt
5 with very expeditiously by the government so the delay
6 to projects on the ground would be --

7 MR. SCOTT: My impression, Madam Chair,
8 is that there is no problem with delay, it's just that
9 the answer seems to be it's easier to bump it up than
10 to create some friction here. They don't mind creating
11 friction with the forest companies nearly to the same
12 extent. It doesn't take time.

13 MADAM CHAIR: No, but I'm saying with
14 respect to the bump-up whether it's accepted or denied
15 or whether or not in fact an environmental assessment
16 is done, that the whole process be done very, very
17 quickly so that a bump-up wouldn't turn into a class EA
18 assessment that took four years to complete, that there
19 are weeks involved rather than months and years.

20 MR. FREIDIN: Madam Chair, there's
21 nothing in our terms and conditions that deal with the
22 time frame for the environmental assessment if there's
23 a bump-up.

24 MADAM CHAIR: Thank you, Mr. Freidin.
25 The MNR is concerned that within a couple of months

1 period of time the Minister of the Environment would
2 have to decide whether or not there would be a bump-up.

3 MR. SCOTT: I don't -- it doesn't seem to
4 take long now. It's after it's bumped up it takes
5 long.

6 MADAM CHAIR: Well, the evidence we have
7 is that it's taken years and there hasn't been any
8 response to a bump-up request, but your largest concern
9 is that once the bump-up request is granted that it
10 will be bumped up, that that will take a very long
11 period of time.

12 MR. SCOTT: Well, the example I cited
13 earlier with the small hydraulic development in Thunder
14 Bay. He's a small business man, this is almost a hobby
15 activity of his, he has had some success with it but
16 he's been pushed into a bump-up, he's required to
17 provide intervenor funding, he can't afford it. So the
18 process has destroyed that opportunity. I shouldn't
19 say it's destroyed it, it's not a fact, but it
20 certainly set him back.

21 MADAM CHAIR: Thank you, Mr. Scott.

22 Mr. Erickson, we normally take our
23 morning break now. Is that convenient for your
24 witnesses?

25 MR. ERICKSON: I think we're probably at

1 the end of the evidence-in-chief, subject to what any
2 others may wish to say, and we could break now and come
3 back for cross-examination. Perhaps we could do that.

4 MADAM CHAIR: All right. Let's take a
5 20-minute break now.

6 MR. ERICKSON: Thank you.

7 MADAM CHAIR: Thank you.

8 ---Recess at 10:30 a.m.

9 ---On resuming at 10:55 a.m.

10 MADAM CHAIR: Please be seated.

11 MR. ERICKSON: Madam Chair, at the break
12 Reeve Leschuk indicated to me, in just a very cursory
13 way, he would like to just provide you and Mr. Martel
14 with an example of community decision-making, and
15 perhaps I can just ask him to do that.

16 MR. LESCHUK: Yes. Madam Chair and Mr.
17 Martel, I had mentioned to John that when the federal
18 government wanted the public participation into low
19 level waste locations, I thought it would be helpful to
20 the Board that the model that they used was, and
21 they've done a lot of extensive research about that
22 model, and it worked very, very well in our community.
23 So it may be of interest and can be one of the areas
24 that we can examine.

25 MADAM CHAIR: All right, go ahead. Did

1 you want to add to that or you wanted to simply tell
2 the Board that you thought that was a good model for
3 public participation?

4 MR. LESCHUK: Yes.

5 MR. ERICKSON: And what we would do as
6 part of the answer to the undertaking, we will make
7 that part of our answer just to show what model was
8 used with respect to the nuclear waste issue and when
9 we file that and if Mr. Scott comes back he would be
10 prepared to elaborate on that.

11 MADAM CHAIR: All right, that would be
12 helpful. Thank you.

13 Mr. Cassidy?

14 MR. CASSIDY: Thank you, Madam Chair.

15 CROSS-EXAMINATION BY MR. CASSIDY:

16 Q. Mrs. Neill, I would like to start
17 with you, and I'm interested in an answer that was
18 given to an interrogatory that was filed by the
19 Ministry of Natural Resources, and if you're not the
20 right person to answer the question you can defer to it
21 whoever on the panel is.

22 But with respect to the Ministry's 18th
23 interrogatory the Ministry asked if -- the answer is
24 brief and I will read the question quickly. This is
25 also filed I understand as part of Exhibit 1794, Madam

1 Chair, so I don't propose to refile the interrogatory.

2 But the Ministry asked NOACC if Forests
3 for Tomorrow's draft terms and conditions were
4 interpreted to preclude the use of artificial
5 regeneration, including planting, on most sites unless
6 it can be demonstrated that natural regeneration
7 efforts have failed.

8 The Ministry asked:

9 "Does the Northwest Coalition agree
10 that any significant fluctuation in
11 planting levels would negatively impact
12 individuals and communities economically
13 dependent on forest renewal and related
14 silvicultural support functions?"

15 And the answer which NOACC provided,
16 which you provided in your answers to the
17 interrogatories, was:

18 "Yes."

19 And the answer in itself is
20 straightforward, I know what yes means, but I was
21 wondering if you could elaborate on that and give me an
22 explanation of why you agree with the suggestion that
23 any significant fluctuation in planting levels would
24 negatively impact individuals and communities
25 economically dependent on forest renewal and related

1 silvicultural support functions.

2 MADAM CHAIR: Excuse me, Mr. Cassidy.

3 Which interrogatory number was that?

4 MR. CASSIDY: It's No. 18.

5 MADAM CHAIR: Thank you.

6 Mrs. Neill?

7 MRS. NEILL: Any changing or a major
8 depletion of the regeneration program would negatively
9 affect not only the timber or forestry -- let me think,
10 sustainable forestry, but it would also impact directly
11 on the economic sustainability of the community.

12 Sustainability of forestry, of course, in
13 northwestern Ontario is probably of major importance to
14 ensure the economic sustainability of the area because
15 forestry being our prominent base. Without proper
16 silvicultural applications then you have a questionable
17 amount of assurance that there's going to be that
18 sustainability of the forestry.

19 Does that answer your question, sir?

20 Q. Sure. Could you give me -- just to
21 follow up on that, can you give me an example of how
22 that would impact on the community.

23 A. Okay. Firstly, you have to ensure
24 sustainability of the forestry practices so then you
25 have to ensure silviculture or regrowth is taking

1 place.

2 Q. Yes?

3 A. The other thing of course in many of
4 our northern communities there have, over the last 8 to
5 10 years, been a good deal of entrepreneurship involved
6 in the development of the silvicultural businesses and
7 they are mostly locally located.

8 If there's a major fluctuation in that
9 silvicultural activity, of course, that these
10 businesses are dependent on or have built their
11 businesses on, then it's going to affect them as well.

12 Q. I see. Is there any other impacts
13 other than on those business? I don't mean to reduce
14 the importance of that at all, but are there any other
15 impacts? If those industries were negatively impacted,
16 would that have a correspondingly negative impact
17 packet on the community?

18 A. Oh, definitely. They supply jobs, of
19 course, in the communities and they also provide -- and
20 over the years have developed a certain level of
21 expertise within the community, so you're not only --
22 you're not only putting the community in a situation
23 where you're not assuring the sustainability of the
24 forestry and, therefore, the economic sustainability
25 you're also decreasing the value of that expertise that

1 has been developed over the last 8 to 10 years.

2 Q. You're talking a form of technical
3 expertise--

4 A. Technical.

5 Q. --in the business of silviculture?

6 A. Correct, yeah. And that has been
7 developed within the private industry, private business
8 since the Ministry has moved into contracting that type
9 of work out or a great deal of it out. A lot of it is
10 contracted out now of course.

11 Q. So that I understand that then, if
12 that -- if the opportunities for the use or utilization
13 of that technical expertise in the local communities is
14 reduced, am I correct that that reduces the
15 opportunities for young people in the north to in
16 essence get their training and stay and work in the
17 north in technical jobs of that nature?

18 A. Very much so, and you're then
19 impacting both on your environment, your social and
20 economic environment, as well natural, social and
21 economic environment negatively when that fluctuates
22 greatly.

23 Q. Thank you very much.

24 Mr. Scott, I would like to move to you
25 and I'm going to read you a very brief portion of the

1 transcripts in which Madam Chair asked a question, and
2 I want to relay a comment and I want to see -- or made
3 a comment and I want to see what your views on that
4 are, and this relates to some evidence given back -- I
5 will give you the transcript pages. Approximately
6 around transcripts pages 50221 and it's very brief, and
7 Madam Chair asked a witness at that stage:

8 "You are saying that you will put a
9 value on timber because that as far as
10 you're concerned the value of the tree
11 for timber is its stumpage."

12 And the witness said:

13 "Correct."

14 And then Madam Chair a couple of pages
15 later at page 50227 suggested that:

16 "There are other benefits that come
17 from that land, whether they are larger
18 or smaller, or whether it's worth
19 building roads and all that business,
20 there are larger benefits than how many
21 millions of dollars that we get for
22 stumpage."

23 Do you agree with Madam Chair's comment
24 there?

25 MR. SCOTT: A. Certainly the value of

1 timber is many, many times what the value of the
2 stumpage fee is. The value added operations through
3 the mills and so on, the harvest, the employment that
4 generates.

5 I think -- taking Dryden and Marathon as
6 examples, I think the mills account for some 60 to 70
7 per cent of the tax base -- property tax base in the
8 community. Without that tax base those communities
9 cease to exist.

10 Q. Is it wrong then, in your view, to
11 think of the value of timber management activities as
12 only being measured by stumpage charges?

13 A. Yes, that would be totally incorrect.

14 Q. And that an analysis of that type in
15 fact ignores all the benefits to the north that those
16 activities bring?

17 A. Very much so. I think at some
18 meeting I was at somebody asked me did I or my firm
19 work for the forest industry - I think it was a
20 question maybe designed to discredit me, that I had a
21 bias towards the forest industry - and my answer was:
22 "Yes, certainly." And I said: "And that answer
23 applies to every resident in northern Ontario. Were it
24 not for the forest industry we wouldn't have a
25 population in northern Ontario because it's not

1 sustainable."

2 Q. All right, thank you. I want to move
3 on to a portion of your brief, Exhibit 1794, and you
4 may want to flip to the pages, but at page 4 where you
5 talk about the provision of access?

6 A. Yes.

7 Q. At the very last line -- or the last
8 two lines on that page, I'm just going to take out part
9 of a sentence, if I take it out of context you can
10 correct me, but I think the thrust of that paragraph
11 there is that encapsulated in the last sentence:

12 "Such that all types of development
13 are given consideration not just
14 development for forest resources in road
15 planning."

16 Am I correct that that is sort of the
17 thrust of what you're talking about there in terms of
18 planning for provision of access, that that's what you
19 want to achieve is the development of all types not
20 just forest resources?

21 A. Yes. We're dealing with this
22 document which applies to forestry, but certainly any
23 time for any reason a road is being contemplated a
24 careful look should be taken at other needs for roads
25 generally in the area or that are affected by a road in

1 the area to see what other proposals could be enhanced.

2 It may not jeopardize the forestry
3 operation at all, it may, and it may be in the public
4 interest to provide the public funding to assist the
5 licence holder in building the road 10 miles further
6 east or west just as the case may be.

7 Q. All right.

8 A. It's interesting -- it may be
9 interesting for the Board to know that if the forest
10 stand is relatively uniform, the forest industry is
11 very flexible as to where those roads go - the shortest
12 distance between two points is a straight line - but I
13 know some years ago when the government decided to ban
14 logging in Quetico Park the government had to
15 immediately provide roads and bring in new areas to
16 replace the harvest area that was being lost to the
17 licence holders, and our firm was retained to design
18 one of those bridges and went out to start to take a
19 look at the project and we asked where the road was
20 going - our job was just to design the bridge in this
21 instance - and the answer was: "It doesn't matter.
22 We're going to cut all the trees on both sides of the
23 river over an extensive distance, so simply find the
24 easiest place to build the bridge, the most economical
25 location." I said: "Within what distance?" He said:

1 "50 miles." It didn't matter. "We will plan the
2 harvest operation after, but the lowest cost location
3 of the bridge is where it will go."

4 And that was totally foreign to the
5 approach to locating bridge is usually locate it a
6 little further, but it shows the weakness in the
7 system. There may well have been in that area a reason
8 for a road somewhere else and if there was a 50-mile
9 degree of flexibility from a forest harvesting
10 standpoint, surely we could have benefitted something
11 else if we thought about it and put the bridge where it
12 best suited other purposes.

13 Q. Would you agree, sir, that the
14 absence of public funding may complicate the provision
15 of access -- forest access roads that are designed for
16 non-timber values as well as timber values, it
17 complicates that process when there's no public
18 funding?

19 A. Yes, it does. I think the -- I
20 understand the government is about to announce the
21 termination of funding for forest management agreement
22 roads. I think that would be an unfortunate step to
23 take.

24 When we're interested in addressing
25 values other than the forest companies purposes, I

1 think there is justified expense, public expense --
2 public expense is justified to satisfy those purposes.

3 If the government -- today if the
4 government funds the roads there's government policy
5 that the public has access to those roads and that
6 causes areas of problems with situations where native
7 communities may not want public access to a community
8 by road and where there are other environmental values
9 that would be harmed by public access and they have to
10 be addressed, but certainly funding provides a means of
11 encouragement for other purposes than the forest
12 industry.

13 So I think that is -- but in reality it
14 amounts to increasing stumpage fees, changing the
15 present model it's going to cost more money for the
16 operations of the forest companies who are presently
17 under great strains. I think that's an unfortunate
18 decision.

19 Q. Just a couple of final questions,
20 then. You used the word -- I must confess, this
21 question arises out of a certain amount of ignorance as
22 to the meaning of two words you used, ratio planting.

23 I'm not sure I understand what you mean
24 and I'm burdened by the fact I've been here for three
25 years and I've heard a lot of technical terms but I've

1 never heard the word ratio planting before, and I
2 asked - well, I'll just finish my question - I ask an
3 interrogatory on that, and I don't mean any disrespect,
4 but I'm still no clearer than I was when we started.

5 Can you give me another explanation?

6 A. That's going to be hard because I
7 can't remember where it came from either, but I checked
8 with a number of people that are at the workshops. We
9 were referring to committance -- generally to
10 commitments towards regeneration, and it was a
11 government statement some year ago that for every tree
12 cut in Ontario we're going to plant two and I think
13 that was the basis of ratio planting.

14 But essentially we're saying when
15 government makes a commitment to regenerate, whether
16 it's a hectare basis, two for one basis, or whatever is
17 the definition, that the commitment be honored.

18 Ratio planting is, I think, was my
19 personal term. I just can't remember where it came
20 from, but is referring to the commitments towards
21 regeneration.

22 Q. I know you're not a forester and I
23 know that Ms. Neill has some experience in
24 silvicultural matters, but I take it you're not
25 advocating that it's necessary to plant two trees for

1 one?

2 A. No, no, but government I think - if I
3 remember correctly - the commitment was in relation to
4 a backlog in, what you refer to non-specifically
5 regenerated areas, and I know the forest management
6 agreements require that a certain percentage of areas
7 that haven't been regenerated in the past be dealt
8 with, I think it's five per cent of the area per year
9 or something, it's some kind of number that is a
10 commitment in the agreements.

11 So whatever commitment it is in whatever
12 terms government chooses to make it, we say they should
13 honour.

14 Q. Okay. My final question relates a
15 bit again back to funding, and do you see any merit in
16 the idea of some sort of dedicated funding for forestry
17 activities?

18 By that I mean, dedicated funding from
19 government based on revenue that they bring in from
20 forestry activities being dedicated to forestry
21 activities. Do you think that's an idea with any
22 merit?

23 A. Well, hope government's general view
24 is that they get money from the sources they can get it
25 from and they spend it where it's needed. So they

1 don't want to designate road tax just to roads, et
2 cetera, but the issue here is when government signs a
3 contract and the forest management agreement says we
4 are going to regenerate at a certain per hectares a
5 year or whatever it is, we are going to provide the
6 herbicides and so on and however, and we are going to
7 sign a contract with this forest company to -- or you
8 do this and we pay for this.

9 Now, when you sign a contract anywhere
10 else you're obligated to meet the terms of the contract
11 or suffer some punishment or penalty, and we think it
12 should apply here.

13 Government makes commitments. They're
14 about to enter into a 25-year purchase agreement for
15 hydraulic power from Manitoba, they have a long-term
16 agreement to buy uranium from Elliott Lake, to buy coal
17 from western Canada, and if they default in those
18 agreements they are punished by financial, and I guess
19 our view is that should government default in that kind
20 of spending they should be subject to some kind of
21 penalty to the benefit of the people in the region who
22 are adversely affected which is us.

23 Maybe that's a class action kind of
24 process you have to go through, I don't know, but we
25 say you should meet the contracts and not we will meet

1 our contract if the province dedicates from year to
2 year. That's not -- that's too open ended.

3 MR. CASSIDY: Okay. Madam Chair, I don't
4 have any further questions at this point. I simply
5 reserve my rights to cross-examine Mr. Scott upon
6 seeing the answer to the undertaking as we previously
7 discussed in Thunder Bay and I will do every step
8 necessary to make sure they get the information that
9 you've requested that they be provided with.

10 Could you just indicate, Mr. Erickson,
11 what was that date for the spring meeting?

12 MR. ERICKSON: 26th, 27th of April is our
13 next meeting.

14 MR. CASSIDY: Okay. I will have it to
15 them before then. What I propose to do is provide the
16 portions from our terms and conditions plus any
17 relevant evidence.

18 I think it's better for me to provide the
19 evidence rather than try to summarize it in that our
20 client led in that respect, and I will have that to
21 you.

22 Thank you, Madam Chair..

23 MADAM CHAIR: Thank you, Mr. Cassidy.

24 And there are no objections from the parties with
25 respect to this matter?

1 (no response)

2 Thank you.

3 You stopped the clock, Mr. Cassidy.

4 MR. MARTEL: Boy, you were fast today.

5 MR. CASSIDY: Time stands still when I'm
6 on my feet.

7 MR. CASSIDY: Thank you, Panel.

8 MADAM CHAIR: Ms. Seaborn?

9 MS. SEABORN: Thank you, Madam Chair, Mr.
10 Martel.

11 CROSS-EXAMINATION BY MS. SEABORN:

12 Q. Good morning, members of the panel.
13 I think I'll just stand. I only have a few questions,
14 especially in light of the response that's going to be
15 prepared in relation to public consultation.

16 Certainly from my client's perspective I
17 think youre further input on that issue would be most
18 useful.

19 Mr. Scott, you spoke this morning with
20 Mr. Cassidy about long-range road planning and this was
21 an issue that you dealt with in your brief, and is it
22 fair to say generally that you're proposing better
23 integration of timber management planning with the
24 planning for other resources in northern Ontario.

25 Is that a fair summary of your position?

1 MR. SCOTT: A. Yes. But beyond just
2 resources, there are other road linkages and
3 all-weather access to the remote First Nations
4 communities that have a desire, additional public
5 funding available to construct these things.

6 Q. I was asking that question really in
7 the context of general planning as opposed to -- I know
8 that you made a specific submission in relation to
9 long-range road planning, but I'm wondering if it's the
10 position of your communities that generally you would
11 like to see better integration of the planning of
12 timber management activities, whether it be road
13 planning, whether it be harvest activities or other
14 silviculture activities, with planning for other
15 resources in the north?

16 A. I think that is fair to say, yes.

17 Q. And planning or policies in relation
18 to resources other than timber then, in your view,
19 should those be taken into account in the timber
20 management plan preparation process?

21 A. Yes. I think plans -- where there
22 are wish lists or plans that are available, I think
23 they should all be known to the planning team.

24 Q. So there should be a recognition
25 somehow of those other planning exercises that are

1 going on in the north?

2 A. Yes.

3 Q. And we talked this morning quite a
4 bit about public advisory committees. Your group's
5 suggestion was with respect to community forest
6 advisory committees or councils.

7 And would you agree that regardless of
8 the structure of these sorts of groups, what is
9 important is that they have a real say in the decisions
10 that have to be taken by MNR?

11 A. Yes.

12 Q. And would you also agree that any
13 decision that is taken in making a tradeoff has to be
14 explicit and be accompanied by a rationale for that
15 decision?

16 A. Yes, I think it's very important that
17 we know what tradeoffs are being made and, how should I
18 say, the rationale for them so we can react to them.

19 Q. And I take it then this would assist
20 you or a member of the public in understanding
21 tradeoffs that had to be made by the Ministry in
22 arriving at a final decision if the tradeoffs were made
23 explicit?

24 A. Yes.

25 Q. Now, if you could just turn for a

1 moment to page 6 of your submission, Mr. Scott, and
2 under paragraph 11 which has the title Potential
3 Environmental Effects of the Undertaking, you say in
4 the last paragraph -- sorry, the last sentence of this
5 paragraph:

6 "Very little mention is made of the
7 potential economic and social benefits
8 of timber management on the communities
9 immediately adjacent to the forest
10 resources."

11 Now, this morning, Mr. Scott, you had a
12 discussion with Mr. Martel about whether by having a
13 representative on the planning team you would in fact
14 achieve what is, I take it, your real objective which
15 is the management of our forests for the maximum
16 economic benefits for the communities.

17 Do you recall that exchange? And Mr.
18 Martel had expressed concern about whether even if you
19 had someone on the planning team that would solve what
20 you perceived as being your real problem in the context
21 of timber management planning.

22 A. Yes.

23 Q. And would you support a process that
24 involved groups such as yours in setting objectives and
25 strategies for a five-year timber management plan?

1 A. Yes. Well, I guess we suggest the
2 vehicle of the community advisory council, that we see
3 them being involved in that.

4 Q. And I take it from the tenor of your
5 brief and your evidence today that, in your view, the
6 objectives of a plan should address more than the
7 timber objective which would be the amount, say, to be
8 harvested for a particular five-year plan; that the
9 objective should also address what has been termed in
10 this hearing non-timber objectives?

11 A. Yes, I think they have to be
12 included. Now, we got into -- see, the Ministry of
13 Natural Resources are the custodians of this land, it's
14 virtually all Crown land, and as custodians they have
15 the best knowledge, I guess, of what the area contains
16 and, of course, they have the enforcement role and the
17 policy-setting roles that affect it.

18 So there's this problem, they're the
19 policemen, the owner/developer in many ways, so we feel
20 in that mandate they have to deal with all of the
21 interests and this document doesn't, in our view.

22 We don't think that should be passed on
23 to the forest industry, its a role that the government
24 should play. The licence holder is just there for the
25 duration of his licence and he's moving around the

1 area, but government has to do far more in these
2 opportunities application and then the licence holder
3 can address how he would propose to enhance the
4 opportunities that are possible.

5 Q. Would you agree with me, Mr. Scott,
6 as a general proposition that if communities such as
7 the ones you represent and other users of the forest
8 are involved in a meaningful way in setting these plan
9 objectives that there is a greater likelihood of
10 satisfaction with the implementation of that plan
11 because the people who are affected by it have, say,
12 bought into the plan?

13 A. I think that's true. Mr. Martel I
14 think was suggesting that, I guess, perhaps experience
15 has shown that when you set up these councils they may
16 or may not justify their existence, they may not get
17 involved and work at it, but I think by setting them up
18 you would at least provide the communities with the
19 opportunity and where they aren't doing their job,
20 particularly when you have elected councils responsible
21 for some of the appointments, then the criticisms will
22 be heard and it's their responsibility. At least this
23 would give them the opportunity.

24 I really do believe you can get
25 meaningful participation if the program is well

1 designed and people are given sufficient time and
2 information to form their own opinions.

3 MS. SEABORN: Thank you.

4 Those are all my questions, Madam Chair.
5 Thank you, members of the panel.

6 MADAM CHAIR: Thank you, Ms. Seaborn.

7 Mr. Freidin?

8 MR. FREIDIN: I think before I start I'll
9 just provide you all with a copy of some documents that
10 I might refer to. One of the documents has been marked
11 Exhibit 1793 which are appeal provisions which are used
12 in the United States Forest Service. I'll just refer
13 to those briefly, but you have those. And I've made a
14 copy of some of MNR's terms and conditions that I may
15 refer to briefly.

16 (handed)

17 MADAM CHAIR: Thank you.

18 CROSS-EXAMINATION BY MR. FREIDIN:

19 Q. Now, members of the panel, my name is
20 Vic Freidin, I am counsel for the Ministry of Natural
21 Resources and hopefully my cross-examination won't be
22 much longer than the others.

23 Do you all have a copy of your brief in
24 front of you?

25 A. (panel nodding affirmatively)

1 Q. I'll direct all these attention to
2 you, Mr. Scott. If you want to pass them off I guess
3 that's the best thing to do.

4 Could you turn to page No. 2 and perhaps
5 you could also put your finger on the answer to the
6 Ministry of Natural Resources Interrogatory No. 5?

7 MR. SCOTT: A. Mr. Erickson, do you have
8 that?

9 MR. ERICKSON: (handed)

10 MR. FREIDIN: Oh, I have copies of these
11 as well. It might be easier to do -- I will give you
12 all copies of the interrogatories that I might refer
13 to. (handed) Have you brought your copies up?

14 MADAM CHAIR: We've got them, Mr.
15 Freidin.

16 MR. FREIDIN: Okay, thank you. Those are
17 just some of the MNR interrogatories. I don't believe
18 they need another exhibit number, Madam Chair.

19 Q. Now, in the second full paragraph on
20 page 2 under the heading The Undertaking, you indicate
21 about five lines down that:

22 "Funding should be incorporated into
23 the five-year plans and guaranteed."

24 And you talked about that in your
25 evidence.

1 MR. SCOTT: A. Yes.

2 Q. And as part of your answer to the
3 interrogatory that the Ministry asked, MNR No. 5, if
4 you look down about halfway in the middle of the answer
5 it says:

6 "On the particular issue of funding...",
7 Do you see where that starts.

8 A. Mm-hmm, yes.

9 Q. About halfway down, right in the
10 middle of the paragraph it just says:

11 "On the particular issue of funding,
12 the Coalition agrees that the
13 Environmental Assessment Board and/or the
14 Ministry of Natural Resources could only
15 suggest perspective guarantees of funding
16 from the Ontario Legislature and
17 obviously could not require guarantees of
18 funding."

19 And I just wanted to know, why do you say
20 that this could not be made a requirement?

21 A. Well, it was my understanding that
22 the Board does not have the authority to order the
23 Ontario Government to do anything, that we feel this
24 should be a Cabinet decision, that if there is an
25 indication of government funding forest management

1 agreements that it be government policy those funds are
2 committed, as it does for any long-term projects.

3 Q. All right. And was there any other
4 reason?

5 A. No.

6 Q. Okay. If we could go down -- well,
7 there was a discussion, you indicated that you did not
8 think that the purpose of the undertaking was defined
9 broadly enough, and you indicated I think in your brief
10 what you believed the undertaking should be or the
11 purpose of the undertaking should be defined to be.

12 Is it fair for me to assume that it is
13 with the expanded purpose that you would like to see in
14 mind that you have made recommendations to the Board
15 and it is from that perspective that you have made sort
16 of certain criticisms of the environmental assessment
17 document in terms of it being lacking?

18 A. Yes.

19 Q. And MNR No. 7, which I think you also
20 have in front of you --

21 A. Could I just ask a comment. I'm not
22 sure of the implications of your question.

23 Q. Sure.

24 A. For the little people that are
25 involved in this process that don't have full-time

1 counsel or perhaps any counsel at all, I know the Board
2 has made the decision on what the purpose is, the
3 proponent sought their right to leave it at that, or
4 whatever, you're not going to change it at this point,
5 but for the little people I'm not sure if you're not
6 denying some of their rights, because if the purpose is
7 flawed, if the alternatives are flawed, the little
8 people that are showing up three years into the
9 process, I don't know how you deal with that. But I
10 just offer that as a comment in passing.

11 MADAM CHAIR: Well, Mr. Scott, you should
12 be assured that the Board has never ruled out receiving
13 any evidence on socio-economic aspects of the
14 undertaking.

15 MR. SCOTT: But even in presenting such
16 as alternatives to, if that's flawed and the Board
17 agrees with our position on that, where do you go, do
18 you go back to the beginning of the whole...

19 MR. CASSIDY: Well, if I might suggest,
20 that's probably a legal question which counsel will
21 argue vociferously. Mr. Erickson is free to join in at
22 the end of the day.

23 MADAM CHAIR: We will be hearing
24 questions on legal matters, but it's been the Board's
25 position from day one that we will give very serious

1 consideration to all aspects of socio-economic values,
2 benefits or disadvantages associated with this
3 application.

4 MR. FREIDIN: Q. I just wanted to get
5 clarification of that. That's fine, thank you very
6 much.

7 Can you turn to page 3 of the brief, and
8 you have used the word proponent in a number of places
9 here in the brief and I think through the answers to
10 some of your interrogatories proponent meant the
11 harvester, some cases the word proponent meant the
12 Ministry of Natural Resources.

13 So just as we go through here I just want
14 to pick those up so the Board will know of those.

15 If we go to page 3, the third line under,
16 the last heading Alternatives to the Undertaking, it
17 says:

18 "The proponent should examine one
19 other alternative."

20 I just want to confirm that the proponent
21 you were referring to here is the Ministry of Natural
22 Resources?

23 MR. SCOTT: A. That's correct.

24 Q. Okay.

25 A. The proponent of the Class EA.

1 Q. Right. Now, in that same paragraph
2 you refer to this question or issue of permanent
3 procedural exemption and you indicate in the last
4 sentence by way of expansion:

5 "That is, no environmental assessment
6 at all, either class or individual, in
7 conjunction with a detailed series of
8 guidelines on the preparation and
9 implementation of timber management
10 plans."

11 Now, I wonder whether you can just sort
12 of expand on what is being proposed here and what the
13 guidelines that you are referring to would involve?

14 A. Before we had this creature, the
15 Environmental Assessment Act existed, we had stringent
16 environmental controls and engineering regulations and
17 so on and certainly many people think they were
18 unsufficient, should be broadened to some extent, and
19 as we pointed out, the major projects or undertakings
20 have not looked at the socio-economic question and
21 particularly in something of this intrusive nature
22 occurs it's very important that that occur.

23 We think that can be handled by
24 regulations and processes that do exist. We think it's
25 probably more appropriate than subjecting this very

1 complex area of forestry to something as regimented and
2 uncertain as the Environmental Assessment Act.

3 Q. Is that comment related to the
4 concern that you have about bump-up or are you making
5 comment directly about this process? As I read it, I
6 thought -- I sort of interpreted it saying: "Well,
7 we've got this Class EA...

8 A. We accept the Class EA as a lesser
9 evil than a specific EA for each licence but we'd
10 rather not have it at all.

11 Q. Right. But taking what you've
12 written here, what you said earlier this morning and
13 what you've just said now, I take it generally what
14 this means about permanent procedural exemption and
15 having guidelines is accepting this Class EA that once
16 we have this class EA we have terms and conditions
17 which are imposed as a result of hearing all of this
18 evidence, that you want a system where there would be
19 very few bump-ups or there would be very rigid
20 requirements and be able to subject operations to
21 further environmental assessments through individual
22 environmental assessments?

23 A. If -- we would rather not have the
24 Class EA, we would rather be exempt from the Act. If
25 we have to have the Class EA, then we think you have to

1 deal with the issue of responsibility of bump-up.

2 Q. Okay. I think that's fair. Thank
3 you very much.

4 A. And I guess as a matter of interest,
5 when the government recently announced its new parks
6 policy--

7 Q. Yes.

8 A. --as proposed by the Minister of
9 Natural Resources that didn't require any environmental
10 assessment, it was just a cabinet decision. Cabinet
11 decisions are exempt from the Environmental Assessment
12 Act.

13 The creation of 200 new parks was no
14 more, no less significant an impact on our environment
15 than perhaps a number of licensed areas, so it should
16 work both ways.

17 Q. Okay, Thank you.

18 Following along on your concern about
19 bump-ups, I didn't give you a copy of this particular
20 term and condition - this is MNR's - I will just read
21 you a portion of it and ask you whether you agree.

22 It's MNR's draft term and condition 39
23 subparagraph (b) and it indicates in effect that when
24 any person wants to ask for a bump-up that the request
25 shall be in writing and shall be accompanied by

1 sufficient information to allow the Minister of the
2 Environment to make a decision.

3 Do you agree with that general direction?

4 A. That goes part way. I guess we also
5 suggest the individual should show that he has broader
6 support than his personal view.

7 Q. All right. Other than that, the
8 general tenor of that is what you agree with?

9 A. It's headed in the right direction.
10 But our experience shows that the responses to these
11 requests, the bump-ups are given far too readily. I
12 gave some examples this morning that were just shocking
13 to those of us that have been involved with them.

14 Q. Now, I gave you a two-page document
15 which has 217.10 in the right-hand corner of it. This
16 is a portion of a document which was marked as Exhibit
17 1793, it's a regulation which exists in the United
18 States, Mr. Scott, dealing with appeals of decisions
19 made in either their land use plans or their project
20 level decisions, and in the right-hand corner under the
21 heading Stays they deal with the sort of obligations
22 that would be imposed upon anybody that would want to
23 stop operations which had been the subject matter of an
24 approved plan.

25 And if you look at the bottom where it

1 says sub (c) it says:

2 "To request a stay of implementation
3 an appellant must...", and this person
4 would be similar to somebody who would be requesting an
5 bump-up - is the purpose why I'm asking you this - and
6 under Item No. 3 on the next page it indicates the sort
7 of written justification that would be required of such
8 person as a minimum, and I'm not asking you to agree
9 with the specific wording in all of the specific
10 requirements, but could you just take a moment to read
11 down to where I have got a bit of a line there after
12 the capital C and see whether -- and then ask you
13 whether you agree with that sort of a requirement.

14 A. Again, it doesn't require the
15 evidence of broader support for that position. And in
16 anything I have seen in the Environmental EPA processes
17 is hardly a good example for Ontario to look at. I
18 mean, they rely heavily on the courts to resolve
19 certain matters and some of them are just ludicrous to
20 the layman.

21 The example that comes to mind is their
22 regulation that you cannot discharge water of less than
23 a certain quality into a natural watercourse. That
24 makes a lot of sense, however, where they're diverting
25 a river into a powerhouse back to the same river, the

1 natural quality of the river is less than the minimum
2 standard because the sediment -- this is the St. Louis
3 River - and the whole thing is before the courts.

4 Q. Okay. But leaving aside -- I'm not
5 suggesting that we adopt anything --

6 A. I'm saying this is what happens when
7 the system reacts to the sore thumbs.

8 Q. All right. But I think -- you're
9 making a point, but what I would ask you though is if
10 you're concerned about bump-ups and about the bump-ups
11 being made on emotion as opposed to knowledge and
12 understanding--

13 A. Well, for example --

14 Q. --and assuming for the moment we
15 added to this list that you should have broad public
16 support for the bump-up request, do you --

17 A. Yes. But for example --

18 Q. Do you believe that these sorts of
19 requirements are reasonable for someone to meet.

20 A. I would have to see the detail of
21 what is considered. For example, under (b) it says:

22 "Harmful but site-specific impacts, et
23 cetera."

24 Now, for example, if the Ministry or the
25 licence holder was proposing to use chemical sprays in

1 emergency conditions a member of the public might well
2 take the view that chemicals are harmful, that could be
3 that person's personal view, it is not the view of the
4 Ministry of Natural Resources, the Ministry of the
5 Environment or of the scientific community, the
6 majority of the scientific community, however, I
7 suspect that it could be bumped up on the basis of that
8 concern.

9 That's the way our system seems to
10 respond, and I believe you've had arguments at this
11 hearing that the whole issue of the acceptability of
12 chemical pesticides and so on be addressed by this
13 Board. This is the kind of thing that happens, and a
14 whole new dimension of things occur.

15 And I say to you that somehow we have to
16 have a system that says: Look, at this moment in our
17 history, in our policy, this area of concern will not
18 be the subject.

19 Q. So I take it from what you're saying
20 then that if the Board should decide as a matter --
21 after hearing the evidence that, yes, herbicides are
22 acceptable in whatever circumstances they say, that
23 that is the sort of thing that without some new
24 scientific knowledge coming forward you would want to
25 be sort of the policy as of the point in time and you

1 would not want that to be bumped up and have to
2 recanvass in every timber management plan the very
3 issues which had been decided by the Board.

4 Is that what you agree with?

5 A. Yes. I know that's the intent of the
6 Class EA, but I guess we're not convinced from what we
7 see in the past record.

8 Q. Okay, thank you.

9 MADAM CHAIR: Excuse me. Mr. Scott, just
10 one question to clarify what you mean by broader public
11 support for a bump-up request.

12 Are you suggesting to the Board that if a
13 tourist operator, for example, had evidence that his or
14 her business would be destroyed if harvesting was
15 conducted in a certain way beside their operation, that
16 that wouldn't be reasonable grounds for making a
17 bump-up request; are you saying that that tourist
18 outfitter would have to find other people in the
19 community to support his or her concern?

20 MR. SCOTT: That is a fair example. I
21 think rather than a bump-up there needs to be something
22 else where -- I presume the Class EA still has to
23 prepare an environmental statement report of past
24 record. In that report this operation would have to be
25 discussed and evaluated and mitigating measures

1 demonstrated.

2 And so I think in that kind of situation
3 the Board and the branch would not normally provide a
4 bump-up. I think that has been history in the past,
5 they don't bump up or they tell them it's premature or
6 whatever and it hopefully gets resolved in due process.

7 But, no, if it clearly is an impact on
8 that individual's operation then he's the community,
9 but whether or not that warrants a bump-up situation,
10 because elsewhere in our brief we say as part of the
11 total socio-economic appraisal what happens now is to
12 get rid of the sore thumb that the industry may
13 discover in that area of harvesting or whatever and
14 because their total picture, it's easier to do that
15 than to press it further.

16 And we're saying that that may harm the
17 local area. That may be the right decision to buy him
18 out, expropriate him, and the government should have
19 the courage to do that when those situations occur.

20 We do have situation where something as
21 small as a boat cache which is just a remote location
22 where a boat is stored on a lake for fly-in fishing
23 opportunities, but the presence of one boat cache which
24 is very easy to get approved possibly denies access to
25 thousands of hectares of forest, or hundreds of

1 hectares perhaps.

2 And those decisions are made without the
3 knowledge or consent of the licence holder sometimes
4 and certainly not the area.

5 MR. FREIDIN: Q. Thank you. Can you
6 turn to MNR Interrogatory No. 12, please.

7 MR. MARTEL: Can I ask you a question
8 just before you go on? What would you do, for example,
9 with someone like trappers then?

10 I mean, we're confronted with making a
11 decision but let us say a man's trap line is wiped out
12 temporarily because you're cutting almost to the shore
13 for most of the animals, others are taken away from
14 shore, what do you do -- what sort of policy would you
15 recommend in that sort of instance then?

16 I think you said with a tourist operator
17 you might consider expropriating them. What would you
18 do with a trapper?

19 MR. SCOTT: Well, in some case there may
20 be an option to offer another trap line, another area
21 as an option, otherwise compensation. In the
22 greater -- for the greater good we do take down houses
23 and destroy businesses and provide compensation, that
24 is routine.

25 See, forestry is treated quite

1 differently by government than many other areas. The
2 MNR -- between the Ministry of Natural Resources and
3 the Ministry of Environment they have set up a number
4 of screening regulations and there are so many screens
5 they are basically trying to protect all things in all
6 places at all times, and there's so many screens and
7 nothing falls through.

8 And cottage development, if you apply the
9 rules on cottage development today to Lake Simcoe you
10 would probably get about three lots on it. You can't
11 plan on improving the land, you can't do this, you
12 can't do that, anything that has a fishing habitat
13 today you can't do anything, you can't have docks.
14 There is so many things you can't do there's not much
15 left to do much with.

16 And our approach says: No, we should
17 look at it in a more global sense, we take more a
18 proper rotation point of view because forestry is an
19 industrial use of woodlands. We agree that there's
20 areas that are very important to be preserved in tact
21 and they should be set aside as parks - well, the way
22 that parks have come about - but we accept the notion
23 that that's an appropriate thing to do, and then after
24 that, we think the rest of the area should be dealt
25 with on a proper rotation basis.

1 At this moment in time we'll harvest, in
2 10 or 15 years from now there's enough regrowth that
3 the areas attractive once again to recreational users,
4 65 years from now it's time to harvest it again, and
5 perhaps some of the small tourist establishments should
6 also rotate, go from area to area, and in the long run
7 that might be the best for everyone.

8 Some compensation might be necessary, but
9 we're dealing with multi-billion dollar activities of
10 the forest industry versus very small tourist
11 operations at times, not that they're unimportant, but
12 they are -- it's financial -- from an economic
13 standpoint, social standpoint, there must be models we
14 can develop that allow them to survive successfully in
15 their business without impeding this major industrial
16 activity unnecessarily.

17 So there's a balance there somewhere, and
18 I guess we all have our views of how you achieve that
19 or what the level should be, but certainly we subscribe
20 more to the proper rotation philosophy than saving all
21 things at all times in all places.

22 MR. FREIDIN: Q. Would you turn to page
23 5 of your brief, please. And on the second paragraph
24 where you're talking about the master plans being
25 prepared for regional roads and highways--

1 MR. SCOTT: A. Yes.

2 Q. --you were asked in a Ministry of
3 Natural Resources Interrogatory 13 on what time scale
4 you were suggesting that that planning occur, and the
5 comment that you made, and your answer was:

6 "The time scale would be on the same
7 basis as the updating of forest
8 management agreements."

9 What is the time frame, specific time
10 frame in terms of years that you are referring to, or
11 is there a specific time frame?

12 A. Well, at the time you look at the
13 plan I think the FMAs or the plans are five-year -- 20
14 year plans upgraded every five.

15 Q. Right.

16 A. And each time you do that I guess
17 you -- some things, for example, the wish list of
18 roads, the extension of Highway 11 westerly across the
19 top of Lake Nipigon the road from Red Lake to Winnipeg,
20 their desire was expressed by our area for many years,
21 I don't know if that's the timing, you call it, but
22 it's a known wish list and, therefore, it should be
23 accommodated or considered in the planning process.

24 Q. Right. I understand that what you're
25 suggesting through your witness statement and through

1 the answers to the interrogatories is that through a
2 separate process you have this grander look at --
3 bigger look at what the road network should be in the
4 area, and I'm trying to get from you now what the
5 planning horizon is over which you would project.

6 And do I take it your answer you're
7 saying, sit down and look and say, what should the road
8 network look like and how should it develop over the
9 next 20 years and then every five years you look at
10 that and sort of look ahead?

11 A. Generally, yes, I think you could go
12 beyond that in time - I'm not sure what time I would
13 put on the Winnipeg road - we're asking for 30 years
14 now, in our mind it's much less than 20 years. The
15 government might be somewhat longer.

16 Q. Yes, but as I understand it you're
17 saying that this regional plan is something which would
18 be an indication of the kind of road access that you
19 would want to see developed in the area?

20 A. (nodding affirmatively)

21 Q. And I'm just saying, every planning
22 process has some sort of time horizon to it, it could a
23 hundred years or 200 years, it could also be 20 years,
24 and I wasn't too sure whether you were suggesting
25 any -- 20 years or something in that neighbourhood?

1 A. I think generally 20 years with the
2 five-year renewal, and for some things that's
3 reasonable. Hydro transmission lines would be
4 generally planned with that kind of time line,
5 transmission gas pipelines, that kind of planning is
6 reasonable, road linkages it's harder to define, but
7 certainly identify long-term goals which might be well
8 beyond the 20-year period should be included as well.

9 Q. Okay.

10 MADAM CHAIR: Excuse me. Mr. Scott, do
11 you see -- I don't know if you're familiar with
12 guidelines that have to do with protection of moose and
13 tourism and fish?

14 MR. SCOTT: Regulations, Madam Chair.

15 MADAM CHAIR: You can call them
16 regulations. Do you see in those regulations a
17 statement to the effect that activities should give
18 benefits to local communities; in other words, they
19 protect certain aspects of resources and also while you
20 are planning road access, for example, you would see a
21 statement of government policy that something else you
22 look at when you're doing these plans is to benefits
23 the community?

24 MR. SCOTT: I think the author of the
25 plan should be obligated to make statements that cover

1 those specific areas.

2 MADAM CHAIR: Specifically in the timber
3 management plan and not elsewhere?

4 MR. SCOTT: Yes.

5 MADAM CHAIR: You want to see it in the
6 timber management plan?

7 MR. SCOTT: Yes. And the fact is if
8 someone has to consider that subject area and speak to
9 why or how his plan has addressed those goals, then it
10 is absolutely true that some things do happen, there
11 has to be something that will go in that slot. That's
12 human nature, I have to tell somebody how my plan
13 achieves other economic benefit to the area.

14 I think they should consider that
15 subject, and I will and I will come up with some
16 activity, and that is where the real value is.

17 MADAM CHAIR: Mr. Scott, what would be
18 your thought if the Ontario Government doesn't fund the
19 construction of forest roads; do you think there would
20 be as much control over using roads for economic
21 development?

22 In other words, would industry have the
23 same onus to provide local benefits in locating roads
24 as government would?

25 MR. SCOTT: Well, what it boils down to

1 is a question of affordability. I suppose industry is
2 quite responsive to doing things that they can afford
3 to do, but if it fits within their financial
4 constraints and produces positive response from the
5 local public, industry is quite good at doing that, it
6 makes good business sense to do that.

7 If you get beyond that degree, then they
8 just can't do it and their basic purpose is to earn
9 profit. So removing that level of funding which is not
10 insignificant today will be a major hardship for the
11 forest industries, but hopefully it might be offset by
12 a little extra to the stumpage rates, but I doubt
13 that's going happen.

14 But certainly there is a negotiating
15 process I believe where the industry and the MNR
16 mutually decide what is going to be a primary access
17 road and what will be a secondary access road, those
18 are the only roads today that get any money, and in
19 that negotiating process government has the ability to
20 influence the forest industry to meet government
21 demands. If they are not providing the funding that
22 may be hard to accomplish.

23 MR. FREIDIN: Q. Okay. On page 5 in
24 relation to the master plan you refer to Northern
25 Development and Mines and the Ministry of

1 Transportation being involved, and then you refer to
2 other people being involved starting at the bottom of
3 page 5 and going over on to page 6.

4 I'm just wondering whether it was an
5 error that the Ministry of Natural Resources doesn't
6 appear anywhere in your list?

7 A. We assume they are a part of it.

8 Q. Thanks. I expected you to say that.

9 Could you turn to page 7, just by way of
10 clarification. Under the heading Harvest in the third
11 line where you use the phrase "the proponent should be
12 encouraged to house their employees", in that context
13 the proponent means the harvester?

14 A. Yes, or whoever is producing the
15 plan.

16 Q. Right.

17 A. On Crown management units --
18 Whoever is responsible for preparing the plan. In the
19 Crown management units the Crown doesn't actually
20 harvest, but produces the plan.

21 Q. So in that case you're saying that it
22 should be the Crown that should deal with -- should
23 meet this the requirement?

24 A. Mm-hmm.

25 Q. All right. Or address this issue I

1 think is the way you put it.

2 Going down then just further in that same
3 paragraph four lines up from the bottom of the first
4 paragraph you refer to the Class Environmental
5 Assessment, you say:

6 "Quantities of goods to be purchased,
7 if discussed in the Class Environmental
8 Assessments."

9 I understand that that really is meant to
10 refer to individual timber management plans?

11 A. Yes.

12 Q. And as well in the next paragraph
13 where you say:

14 "It is also essential that
15 consideration be given in preparation of
16 the Class Environmental Assessment to the
17 possibilities of creating added value
18 operations in local communities",
19 Class Environmental Assessment should be
20 interpreted to mean timber management plans; is that
21 correct?

22 A. Yes, that's correct. The class
23 assessment should offer guidelines for how these
24 matters might be considered in social and economic
25 terms, to the same extent as guidelines are provided

1 for the natural environment issues in the document
2 today.

3 Q. Okay. You made reference in your
4 evidence and on page 10 of your brief to the concern
5 about small loggers becoming involved in the planning
6 process, and perhaps their ability to be involved in
7 doing the planning because of their lack of funds.

8 What obligations do you understand are
9 imposed on small loggers in relation to planning that
10 gives rise to your concern, and I will just tell you
11 the reason I ask the question is that on Crown
12 management units, as you indicated it's the Crown that
13 prepares the timber management plans, there is not from
14 my understanding a lot of obligation on the individual
15 logger to do actual planning and prepare a lot of
16 documentation, that sort of thing, and if I'm correct
17 I was wondering what it was that was giving rise to
18 this concern?

19 A. Well, I think that is the case today,
20 but depending on where this all leads there could be a
21 greater exposure to the small companies to have a
22 requirement that they prepare documentation.

23 Q. Oh, that's as a result of your
24 perception that the Ministry -- or the government is
25 generally handing things down to the private sector?

1 A. Yes, and we do have these community
2 licences.

3 Q. Right.

4 A. Which do not have financial
5 resources.

6 Q. But generally the way the process
7 works now, you would agree, that there is really not
8 very much obligation on the small loggers to actually
9 get involved in planning and preparing documents and
10 that sort of thing, it's --

11 A. Certainly even now, I had experience
12 recently of opening up a road that was to benefit a
13 mining interest but also was of benefit to a logging
14 interest.

15 Q. This is in the context of a timber
16 management plan?

17 A. No, it was in the context of a road
18 that happened to be within a licence area. It was a
19 small logger that had to produce the documentation.

20 So to the extent that the small firms are
21 required to get involved in a substantial way that they
22 could not afford, we think the government should
23 consider --

24 Q. All right, I understand. You made a
25 comment --

1 MADAM CHAIR: Excuse me, Mr. Freidin. I
2 don't know about our witnesses but the Board is getting
3 hungry for lunch. Are you going to finish before
4 lunch, because if not we'll break and come back.

5 MR. FREIDIN: Can I have 15 minutes and
6 I'll be finished and everybody can go.

7 MADAM CHAIR: Mr. Erickson, will you be
8 doing re-examination?

9 MR. ERICKSON: No, I won't and our
10 druthers would be, Madam Chair, that Mr. Freidin would
11 finish. Some of my witnesses have other appointments
12 after one o'clock.

13 MADAM CHAIR: Okay. The Board has an
14 appointment and I don't know if we're going to be able
15 to make it or not.

16 MR. FREIDIN: Well, five minutes?

17 MADAM CHAIR: Go ahead, Mr. Freidin.

18 MR. ERICKSON: Ring the bell if he goes
19 longer.

20 MR. FREIDIN: Right. Be brief, Mr.
21 Scott.

22 MADAM CHAIR: Mr. Cassidy has the clock.

23 MR. FREIDIN: Well, I was looking for the
24 clock.

25 MR. CASSIDY: I'll clock you.

1 MR. FREIDIN: I lost five minutes looking
2 for the clock.

3 Q. Mr. Scott, you made reference to a
4 situation where there was some road planning in the
5 past - it will take me five minutes to find the
6 reference - oh, where they said build it anywhere
7 within 50 miles.

8 A. Yes.

9 Q. When was that?

10 A. That was the roads that were built,
11 the road out of Sepawa.

12 Q. What year?

13 A. Oh, mid-70s, late 70s.

14 Q. All right, that's all I wanted to
15 know, thank you. In terms of the terms and conditions,
16 in relation to this issue that we spent most of the
17 time on, this stakeholders committee -- I will do this
18 quickly and I don't think I'll have time for your
19 answer, but this will give you something -- it will
20 show you what I'm concerned about.

21 You indicated in your evidence a number
22 of things. You said we need to educate people to have
23 them deal with matters on other than an notional level;
24 agreed?

25 A. Yes.

1 Q. I'm going to read these through to
2 confirm them and then I'm going to refer you to certain
3 terms and conditions that we have for our stakeholders
4 committee which I believe address those concerns in
5 whole or in part, and maybe you could give those some
6 specific consideration as well in the undertaking.

7 MR. ERICKSON: In the undertaking.

8 MR. FREIDIN: Q. You also made the
9 comment that the community forest advisory committee
10 should be involved somehow in public reporting of what
11 is actually occurring; is that correct?

12 MR. SCOTT: A. Yes.

13 Q. You indicated that you would prefer
14 that the people on the planning -- there be a
15 representative on the planning team because they would
16 be able to see what the tradeoffs are; is that right?

17 A. Yes.

18 Q. And would you agree that the most
19 important thing about that issue is not whether they're
20 on the planning team to see whether the tradeoffs are
21 made, that may be one way, but you would want a process
22 that ensures that the advisory committee knows what the
23 tradeoffs are and knows about it at a time in the
24 process when they can say: We don't like those
25 tradeoffs, or you have missed something and have an

1 opportunity to have some input which can get considered
2 and result in a change?

3 A. Yes, that's correct.

4 Q. Okay. You also I think said the
5 thrust of it all is that there has to be a local
6 representative on the planning team, and I guess it's
7 for the purposes that you've indicated, to see what the
8 tradeoffs are; correct?

9 A. Yes.

10 Q. And you said we could have a member -
11 I think it was Mr. Leschuk - we could have the member
12 of the municipality on the team and report back to the
13 council.

14 And in that regard, could you just
15 quickly -- I gave you the terms and conditions and the
16 ones that I think address those, and I would ask you to
17 look at not only look at these but look at these
18 specifically, is 2(a)(vii) indicates that:

19 "Municipalities should be represented."

20 And it indicates in the fourth line of
21 the preamble that it be a reasonable number of local
22 citizens. So I'm suggesting that the thrust is the
23 same.

24 If you look at the next page at 3, in
25 terms of purpose and function, if you turn to page 5,

1 Item 3(c) you'll see that one of the functions is:

2 "To promote integration of the

3 interests of all stakeholders by:

4 (i) advising on tradeoffs and resolving
5 problems or differences;

6 (ii) assisting directly in resolving
7 problems or differences; and,

8 (iii) ensuring that differences are
9 resolved in a fair and open manner."

10 I think the desires are the same. Would
11 you look at those and consider your earlier evidence.

12 In terms of involvement at the planning
13 team, if you could look at 5 subparagraph (d) which
14 indicates in the last sentence:

15 "Members of the stakeholder committee
16 may attend those meetings as observers."

17 Now, these are the planning team
18 meetings. Now, it gets into the issue about whether
19 you're the observer or whether you actually have
20 involvement or you have a decision-making power.

21 I would suggest that your main concern is
22 that you be there or be somewhere where you can see
23 what those trade-offs are and make sure that you're
24 heard as to whether they're appropriate or not.

25 I just refer you to (g) about meeting

1 jointly with the planning team. It says:

2 "The stakeholders committee or their
3 reps should meet jointly with the
4 planning team immediately after the
5 public review period which follows all
6 open houses and public information
7 centres."

8 So the proposal by the Ministry is that
9 we have these stakeholder committees or advisory
10 committees, whatever you want to call them, that we
11 ensure that you're involved in the open houses but
12 right afterwards there's a meeting to discuss what
13 happened.

14 Would you agree that that's a good
15 suggestion?

16 A. (nodding affirmatively)

17 Q. And the last one I would refer you to
18 is item sub (k) where there's reference to:

19 "The stakeholders committee will be
20 encouraged to nominate representatives to
21 attend the timber management planning
22 training sessions and other relevant
23 training courses sponsored by the
24 Ministry of Natural Resources."

25 In regard to your concern the people who

1 are involved be educated and trained to make decisions
2 based on knowledge as opposed to emotion, you would
3 think that would be a good term and condition to be
4 imposed?

5 A. Yes.

6 MR. FREIDIN: Thank you. I think those
7 are my questions.

8 MR. ERICKSON: Thank you.

9 MADAM CHAIR: Thank you, Mr. Freidin.

10 MR. ERICKSON: Madam Chair and Mr.
11 Martel, on behalf of the witnesses I thank you very
12 much for your kind consideration.

13 MADAM CHAIR: Well, the Board appreciates
14 very much the effort you've put into your evidence and
15 for travelling to Toronto to meet with us, and I'm sure
16 we will hear from you again, both with respect to the
17 Board's request that we have a better understanding of
18 where your group -- how you agree or disagree with the
19 proposals right for a citizens committee involvement.

20 Excuse me -- oh, and I think that will
21 conclude our part of this case. Thank you very much.
22 --- (Panel withdraws)

23 MADAM CHAIR: The Board just had two
24 quick procedural matters. The first, Mr. Freidin,
25 we're waiting to hear from you on the arrangement and

1 scheduling for negotiation of terms and conditions.

2 MR. FREIDIN: I think that's going to be
3 addressed on the 15th.

4 MADAM CHAIR: Yes. Now, we don't have
5 notice of that date and we don't happen to be sitting
6 that day. The next date we are sitting is --

7 MR. PASCOE: April 29th.

8 MADAM CHAIR: April 29th.

9 MR. FREIDIN: Now, as you know, I'm not
10 involved in everything that's going on.

11 MADAM CHAIR: We'll be in Red Lake -- no,
12 we're here for the foresters association.

13 MR. CASSIDY: You're here for the CFAC.

14 MR. FREIDIN: I'm not too sure how this
15 as going to work out, Madam Chair, but there is a
16 possibility that what will happen is that the parties
17 will agree on the procedure and the proposal and if
18 that happens then - and let's assume it happens by the
19 15th, I assume it will happen - you will get a copy of
20 the letter saying here's the agreement, we all agree,
21 this is the way it's going to go; and if that happens,
22 if that happens, then I would propose that we advise
23 you of that, not necessarily at a sitting of the Board,
24 but say here it is, and if you have problems with that
25 then you can convene a time to talk to us about it.

1 MADAM CHAIR: Well, that's fine, Mr.
2 Freidin. So is the Board to understand today it's
3 April the 11th, that the parties are actually
4 looking -- have a proposal in their hand with respect
5 to how you'll be restarting the negotiations?

6 MR. FREIDIN: I thought it was the 15th.

7 MADAM CHAIR: I'm saying today's the 11th
8 and in four days it's the 15th. Are you saying the
9 parties have a proposal they're looking to now?

10 MR. FREIDIN: There has been
11 correspondence going back and forth, Ms. Murphy has
12 been talking to all counsel on more than one occasion
13 and I assume -- I'm assuming there may have been
14 discussions beforehand. There has been constant
15 working and discussion amongst the parties to try to
16 arrive at an agreed proposal.

17 MADAM CHAIR: If there is an agreed
18 proposal, the Board is happy to simply receive in
19 writing what that is.

20 MR. MARTEL: Well, I just only have one
21 concern, because I think there was an indication in the
22 Minister's letter - and for the Board's knowledge, if
23 there are some changes that are being recommended, I'm
24 not sure how the Board gets that information before it.

25 Proposals by -- I certainly recall

1 reading the letter you presented way back, Mr. Freidin,
2 and the Minister's letter of last week, but we have no
3 knowledge, and so when one is listening to all the
4 evidence how does one take that into consideration if
5 changes to the proposal are being made during the
6 negotiations?

7 MR. FREIDIN: Well, you're talking about
8 there are two proposals here. First of all, in
9 relation to the information about the new initiatives.

10 MR. MARTEL: Yeah.

11 MR. FREIDIN: You have all the
12 information that I can provide to you and so do the
13 parties at this point in time. The proposal I'm
14 talking about is the proposal as to how we go about
15 dealing with the negotiations.

16 MR. MARTEL: But I thought they were
17 intertwined, the two.

18 MR. FREIDIN: They are intertwined and
19 there may be obviously an effect on the substance of
20 the discussions and what might be agreed to or not
21 based on initiatives, but for the purposes of -- I
22 think what the Board is primarily interested in, as I
23 understand it, is to get some idea that the negotiation
24 process is on going and if it's not they want to talk
25 to us.

1 MADAM CHAIR: That's right, Mr. Freidin.

2 MR. FREIDIN: And that's what I'm
3 addressing.

4 MADAM CHAIR: Well, are you suggesting
5 then we will hear from you by the 15th as to whether or
6 not there is an agreed proposal? If there is an agreed
7 proposal, we will receive it in writing by that date.

8 MS. SEABORN: It's my information, Madam
9 Chair, that it may not be that you will get an agreed
10 proposal by the 15th.

11 As Mr. Freidin said, there have been a
12 number of draft proposals that have been circulated and
13 that have been discussed amongst parties.

14 My recent information is that a meeting
15 is going to be convened at some point next week among
16 all the parties to discuss our latest draft proposal.
17 If we can come to an agreement, which I hope we can, we
18 will then have that letter with our proposal delivered
19 to the Board and then if the Board has any questions
20 you can either ask to us to come back before you on a
21 particular date the following week, or could you wait
22 and ask us some questions on April 29th.

23 I think I agree with what Mr. Freidin is
24 saying, is that we would only reconvene the Board
25 before April 29th. If we could not come to an

1 agreement on a proposal, we would have to say to the
2 Board this is the situation we're in.

3 At this point we're hopeful that by
4 mid-April which is the 15th, I'm not sure it's going to
5 be on the 15th.

6 MR. FREIDIN: It's the 18th, I'm advised.
7 The meeting's the 18th, I'm advised.

8 MS. SEABORN: The meeting's on the 18th,
9 thank you, Mr. Freidin. We will be meeting on the
10 18th and I think, as Mr. Freidin says, there have been
11 numerous discussions. So I can assure the Board that
12 we have been discussing how we think this process
13 should work.

14 MADAM CHAIR: All right.

15 MR. CASSIDY: The only thing I can add to
16 that is I can confirm that there have been numerous
17 discussions on this and there is an attempt being made
18 to reach an agreement, to come to you and basically
19 present you with a proposal. I'm not in a position to
20 confirm any dates, but my understanding is that this is
21 still a matter of active ongoing discussion among the
22 parties.

23 MADAM CHAIR: Well, the Board is
24 certainly happy to hear that the parties are doing
25 something about it, but we don't want any more

1 dithering around on this issue. We want in front of us
2 a proposal as to how you're going to proceed with the
3 negotiations and we'll order the parties to be here at
4 four o'clock on April the 29th and we want to see the
5 proposal at that point.

6 MR. FREIDIN: Right.

7 MR. CASSIDY: Are you making that order
8 now?

9 MADAM CHAIR: Yes.

10 MR. CASSIDY: I will inform them.

11 MR. FREIDIN: And if we do come up with
12 an agreed proposal before then.

13 MADAM CHAIR: We will be happy to receive
14 it.

15 MR. FREIDIN: You'll receive it, but
16 would you still want to see us on the 29th? You'll
17 wait and see.

18 MADAM CHAIR: We will tell the parties
19 once we take a look at it.

20 MS. SEABORN: I think there may be a
21 procedural session of some sort scheduled for either
22 that day or the 30th in relation to a scoping session--

23 MADAM CHAIR: Yes.

24 MS. SEABORN: --for the native evidence,
25 so I think that most of us will be here at four o'clock

1 to answer any questions the Board will have.

2 MADAM CHAIR: Okay, good. Thank you very
3 much, and again we thank -- there's one more procedural
4 matter, sorry.

5 We received in the mail from the Ministry
6 of Natural Resources a notice about proposed amendments
7 to the Sepawa Crown management unit. I think we
8 received this because this sort of information is being
9 sent to the Board.

10 Did any of the parties want this to be
11 made an exhibit, or is this simply information that has
12 been sent in a routine way to the Board?

13 MR. FREIDIN: I don't think it needs to
14 be made an exhibit.

15 MADAM CHAIR: This is a March 27th, 1991
16 public notice, and if any of the parties wish to
17 receive a copy they can get it from Mr. Pascoe, but we
18 won't make it an exhibit.

19 MR. FREIDIN: It's a good thing that you
20 don't get all the paper that's produced.

21 MADAM CHAIR: And again, we thank very
22 much the witnesses of NOACC, and we certainly
23 appreciate the work you've done to participate in this
24 hearing, and we'll see you again.

25 Thank you.

1 ---Whereupon the hearing was adjourned at 12:10 p.m.,
2 to be reconvened on Monday, April 29th, 1991,
3 commencing at 10:30 a.m.

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